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ATTORNEY GENERAL

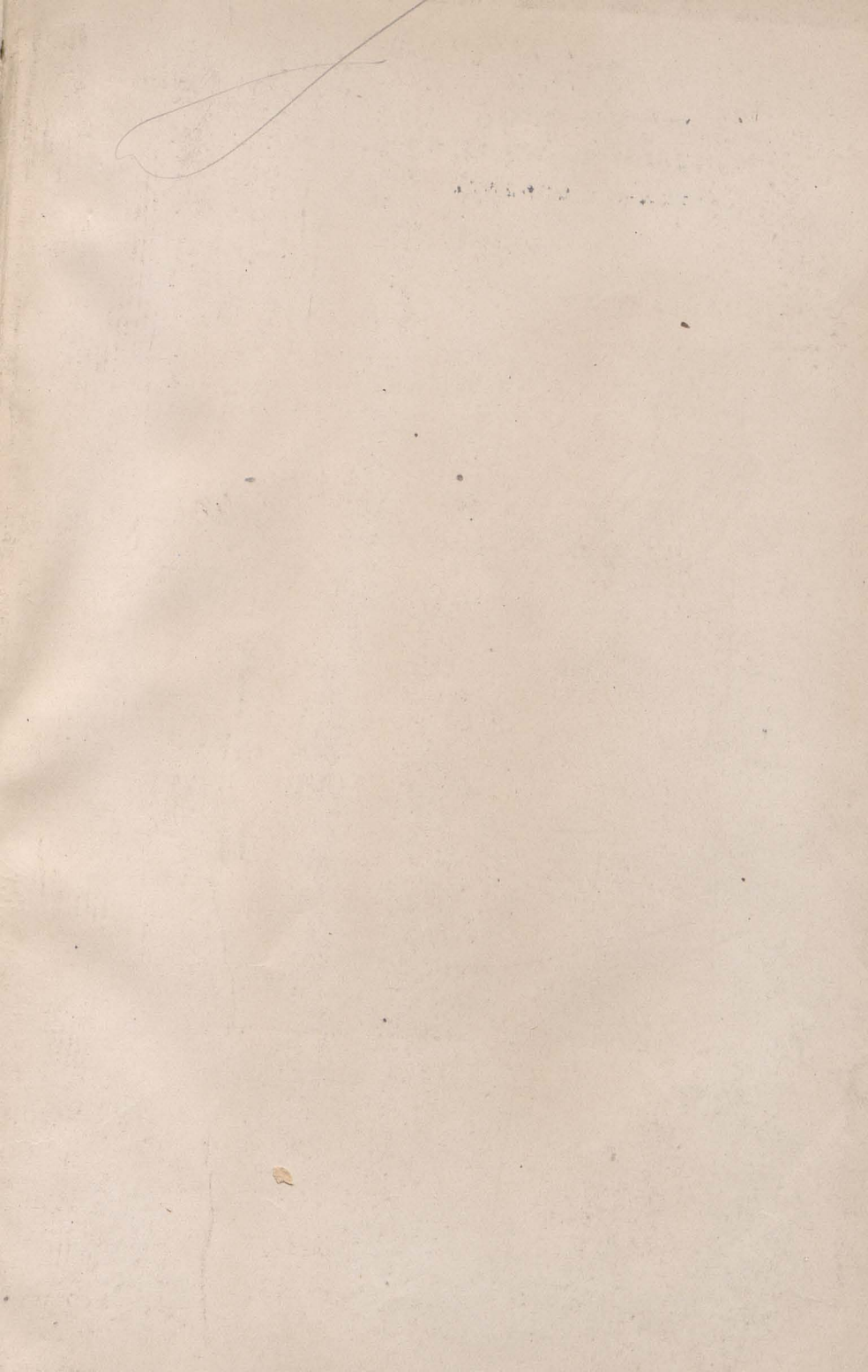
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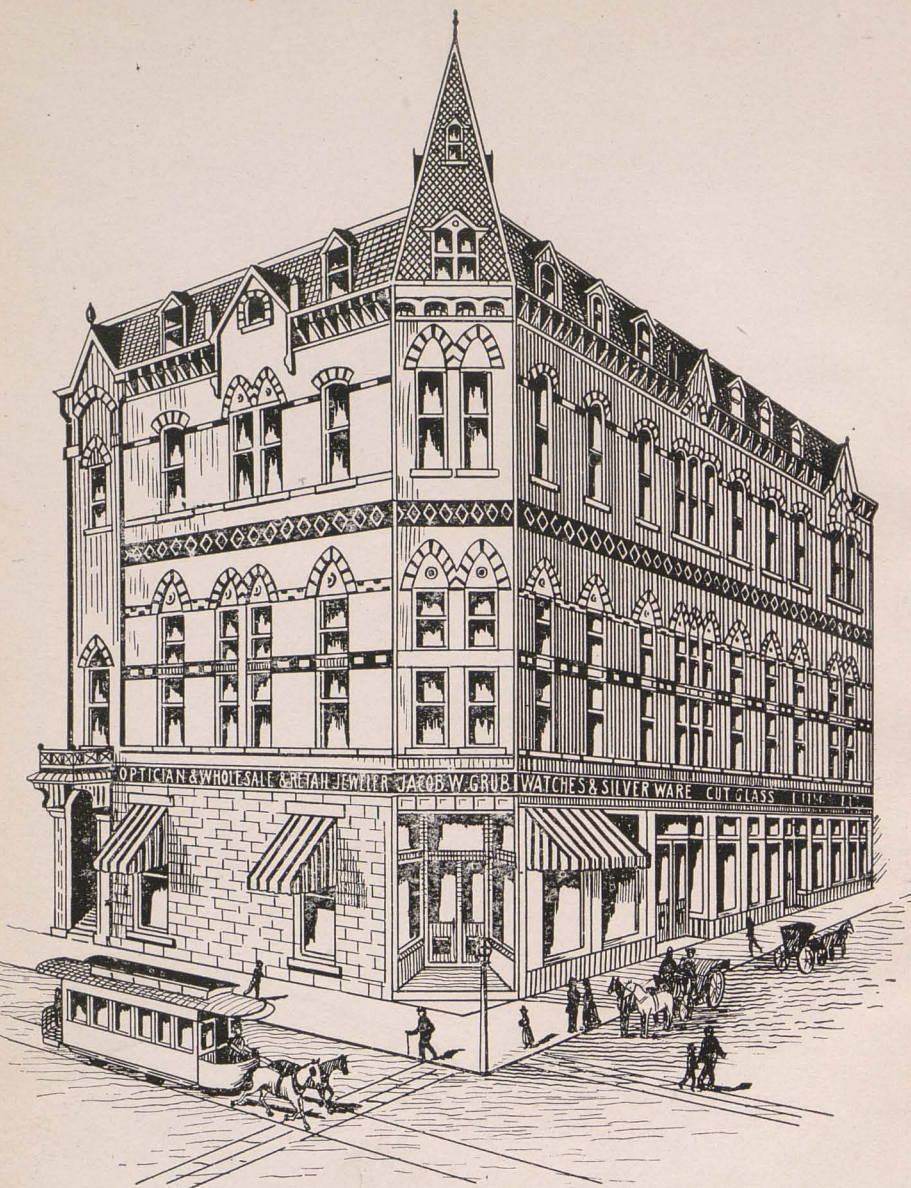












## WASHINGTON HALL.

THE BIRTH-PLACE OF WEST VIRGINIA.

This building stood on the northeast corner of Market and Monroe streets—now Market and Twelfth streets—Wheeling. Within it, on the second floor, the Conventions of 1861, which reorganized the Government of Virginia and provided for the formation of West Virginia, held their sessions. It was erected in 1851 by a corporation known as the Washington Hall Association, at a cost of \$46,000.00. It was first opened on January 1, 1853, when the citizens of Wheeling gave a banquet in honor of the President of the Baltimore and Ohio Railroad, together with his guests from the City of Baltimore and the States of Virginia and Maryland, who arrived at the City of Wheeling on that date, having been carried thither by the first through train from the Atlantic Ocean to the Ohio River. It was totally destroyed by fire November 30, 1876.



• HOW WEST VIRGINIA WAS MADE. •

PROCEEDINGS OF THE FIRST CONVENTION

OF THE

PEOPLE OF NORTHWESTERN VIRGINIA

—AT—

W H E E L I N G

MAY 13, 14 AND 15, 1861,

AND THE

JOURNAL OF THE SECOND CONVENTION

OF THE

PEOPLE OF NORTHWESTERN VIRGINIA

AT

W H E E L I N G,

WHICH ASSEMBLED, JUNE 11TH, 1861, AND CONTINUED IN SESSION  
UNTIL JUNE 25TH. ADJOURNED UNTIL AUGUST 6TH, 1861.

REASSEMBLED ON THAT DATE, AND CONTINUED IN SES-  
SION UNTIL AUGUST 21ST, WHEN IT

ADJOURNED *sine die*.

WITH APPENDIXES

AND AN

INTRODUCTION, ANNOTATIONS AND ADDENDA

BY

VIRGIL A. LEWIS, M. A.,

STATE HISTORIAN AND ARCHIVIST.

PUBLICATION DIRECTED BY HON. WILLIAM G. CONLEY, ATTORNEY-  
GENERAL OF WEST VIRGINIA, DECEMBER 1, 1909.

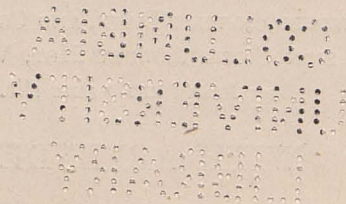
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## PREFATORY AND EXPLANATORY.

### Sources of Information..

45-11809 m. v. c. 6-8-48  
Forty-eight years have come and gone since the two Conventions of the people of Northwestern Virginia assembled at Wheeling in the year 1861, and yet their proceedings were never printed in book form. The Secretaries of the First Convention, were Judge Gibson Lamb Cranmer, of Ohio County; Charles B. Waggener, of Mason County; and Marshall M. Dent, of Monongalia County. Judge Cranmer was the Secretary of the Second Convention, and was the custodian of the manuscript proceedings, journals, and other documents of these Conventions. What became of this manuscript material? Judge Cranmer died several years since. Hon. Granville D. Hall, who was the stenographic reporter of the proceedings of both these Conventions for the *Daily Intelligencer* of Wheeling, and who is still living, and residing at Glencoe, Illinois, had some correspondence with Judge Cranmer in 1899, concerning the manuscript material of these Conventions, and he has kindly furnished us with the following extracts from letters which he received from Judge Cranmer, whose home was on Wheeling Island. Under date of March 28, 1899, he said:

"During the flood of 1884, as you are doubtless aware, I lost my manuscripts (which were voluminous,) since when, I have lost courage in attempting to duplicate them to any extent."

Under date of December 4, 1899, he said:

"As you are probably aware, the manuscript I had prepared concerning the re-organization of Virginia, was destroyed in the flood of 1884, together with my data; and since then I have not undertaken to re-write it."

Under date of December 28, 1899, he said:

"I am not sure whether or not, I have informed you of the disposition of the papers referred to in your letter of December 4th. Under the instructions of the Governor at that time, I shipped all papers and documents in my possession, as secretary, to Alexandria, Va., at the time when the seat of government of the re-organized Government of Virginia was removed to that city."

Query:—Were the journals of these Conventions a part of the manuscript documents sent to Alexandria, at the time of the removal of the seat of Restored Government from Wheeling to that place in 1863; or were they included in those ruined in the

residence of Judge Cranmer on Wheeling Island, at the time of the great flood in the Ohio river, in February, 1884? Judge Cranmer does not say whether these journals were included in the manuscript material sent to Alexandria in 1863, or in that lost in his home in 1884. As to this, the fact will in all probability never be known. The writer has made diligent inquiry at Alexandria, and also at Richmond, but found no trace of these journals; and two years since, was informed by Hon. D. Q. Eggleston, Secretary of the Commonwealth, that no such documents are in the possession of the State of Virginia. The inference therefore, is, that they were lost in the flood referred to by Judge Cranmer. This would indicate that the only records of the Proceedings and Journals of these Conventions, now in existence, are those printed in the *Daily Intelligencer*, of Wheeling. This newspaper was founded in 1852, the first issue thereof appearing on the 24th of August, that year. Its founders were E. B. Swearingen and Oliver I. Taylor; the latter and Joseph H. Pendleton being the editors. Later, the publishers were Pendleton and Beatty, who in 1856, sold the paper to Archibald W. Campbell and John F. McDermot, the former becoming the editor-in-chief. He speedily rose to a prominent place among the newspaper men of the Ohio Valley, a position which he continued to occupy to the end of his life. He was a delegate to the Convention which nominated Abraham Lincoln for the Presidency, and the *Intelligencer* supported him for that position in the ensuing campaign. There were then, weekly, tri-weekly, and daily editions, the last being a four-page, twenty-inch, seven-column paper. Its editor most vigorously opposed the secession of Virginia, and with like interest, supported the movement of Northwestern Virginia which resulted in a Restored Government, and the formation of the new State of West Virginia. He gave himself, without reserve, to the work of educating and preparing the people of Northwestern Virginia for the high destiny he had faith to believe awaited them. On the exchange list of the *Intelligencer*, were all the other newspapers published in Northwestern Virginia, and from them a vast mass of history material was reproduced. Hence its files covering the years of the Civil War are priceless. But two of these are believed to be in existence; one being in the public library in the city of Wheeling; the other in the possession of the State Department of Archives and



History. It is from this last that the Proceedings and Journals of the two Conventions of 1861, are herewith printed. They are, no doubt, as accurate, and fuller and more complete, than the routine journals kept by the Secretaries of these Conventions. In addition to the record of routine business, they contain much of the discussions and debates, with addresses to the people, and ordinances, and other documents not usually found in the journals of deliberative bodies. Because of this, they are far more complete than are the journals of the State Convention at Richmond a few months before; or is that of the Constitutional Convention at Wheeling, a few months later. For these reasons, the files of the *Daily Intelligencer* are, and must continue to be, the chief sources of the history of the organization of the Restored Government of Virginia, and the formation of the State of West Virginia. From these the following records of the Proceedings and Journals of the First and Second Conventions of the people of Northwestern Virginia in 1861, have been accurately transcribed; the only changes made being the re-arrangement of the list of delegates, and the use of full given names, instead of initials, in cases where the said names are well known.

When an omitted word or phrase has been supplied, it has been enclosed in brackets, thus [—]; and if of an explanatory character, curves have been used to enclose it, thus (—). In some instances, abbreviations have been expanded, that their meaning might be rendered plain.

December 12, 1909.

V. A. L.





## CHAPTER I.

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INTRODUCTION—EXTRA SESSION OF THE GENERAL ASSEMBLY OF VIRGINIA—THE STATE CONVENTION—ORDINANCE OF SECESSION—ALLIANCE BETWEEN VIRGINIA AND THE CONFEDERATE STATES—ADOPTION OF THE PROVISIONAL CONSTITUTION OF THESE STATES—A PROVISIONAL ARMY—CITIZENS OF VIRGINIA ABOLVED FROM THEIR ALLEGIANCE TO THE UNITED STATES—THE STATE ADMITTED AS ONE OF THE CONFEDERATE STATES OF AMERICA.

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The New Year—that of 1861—was inaugurated throughout Western Virginia with as bright a winter day as ever dawned over this Trans-Allegheny Region. The early morning was sharp and frosty, but the sun shone out gloriously, and long before noon the frost, together with the light snow that here and there covered the earth along the northern hillsides, with other evidences of winter, were dispelled; and a warm balmy breeze came from the Southwest, as if to complete the delusion that nature had gone back to the autumn-time again. There was on every hand the same holiday appearance as of yore; fire-crackers, torpedoes, the discharge of fire-arms, cakes, candies, feasting, clean clothes and friendly salutations, with the compliments of the season, in fifty thousand homes which dotted the wide expanse all the way from where the Ohio rolls its onward course to the Gulf, across the mountains to where the waves of the Chesapeake dash against the shore-lands of Virginia. Thus began in Western Virginia—the year 1861—the most memorable in all American history.

But, even then differences existed between the Southern and Northern sections of the country, which threatened not only to destroy the Union, but to wreck society itself, and which did produce the most terrible civil war of all time. On the 20th of the preceding December, South Carolina had adopted an Ordinance of Secession declaring that the Union hitherto existing between South Carolina and the other States was dissolved.

This sentiment spread with great rapidity and by the first of February, 1861, five other States—Mississippi, Florida, Alabama, Georgia, and Louisiana — had all taken similar action. The Senators and Representatives of these States resigned their seats in the National Congress and returned to their homes to become leaders of the fortunes of their people. On the 4th day of February, 1861, delegates from six of the seceded States assembled at Montgomery, Alabama, and formed a new Government called the Confederate States of America. Four days later, this was organized by the election of Jefferson Davis, of Mississippi, as Provisional President, and Alexander H. Stephens, of Georgia, as Vice-President.

*An Extra Session of the General Assembly of Virginia.*

Very soon Virginia became a theatre on which were enacted most remarkable scenes in the tragedies and dramas of history. Under the provisions of her Constitution adopted in 1851, the General Assembly held biennial sessions. The winter of 1860-61, was the period of vacation. Influenced by the pressure of events, Governor John Letcher, on the 15th day of November, 1860, issued a proclamation convening the General Assembly in extra session, on Monday, January 7, 1861. In this, he said: "Great excitement prevails in the public mind, and prudence requires that the representatives of the people of this Commonwealth should take into consideration the condition of public affairs and determine calmly and wisely what action is necessary in this emergency."

In obedience to this proclamation of the Governor, the General Assembly convened in the Capitol at Richmond, on the date fixed,—January 7, 1861. In his message to this body, Governor Letcher said:

"The proposition for the call of a State Convention, to determine the position which Virginia shall take, in view of passing events, appears to have been received with very general favor. As this subject has been much discussed by the people in their primary meetings, it is not only proper, but it is doubtless expected that I shall refer to it in this communication. \* \* \* I have my convictions upon this question, and I give expression to them in declaring my opposition at this time, to the call of a State Convention. I see no necessity for it at this time, nor do I now see any good practical result that can be accomplished by it. I do not consider this a propitious time to moot the question, and I apprehend



from indications that have been exhibited, that serious difficulties and embarrassments will attend the movement.”<sup>1</sup>

Speedily the views of a majority of the members of the Assembly became known, and they were at variance with those of the Governor. On the second day of the session, that body adopted Resolution No. 1, relating to the coercion of a State, the text thereof being as follows:

1. “Resolved by the general assembly of Virginia, that the Union being formed by the assent of the sovereign states respectively, and being consistent only with freedom and the republican institutions guaranteed to each, cannot and ought not to be maintained by force.

2. “That the government of the Union has no power to declare or make war against any of the states which have been its constituent members.

3. “Resolved, that when any one or more of the states has determined, or shall determine, under existing circumstances, to withdraw from the Union, we are unalterably opposed to any attempt on the part of the federal government to coerce the same into re-union or submission, and that we will resist the same by all the means in our power.”<sup>2</sup>

On the 21st day of January ensuing, another resolution was adopted by the Assembly. This was “Joint Resolution No. 2, concerning the position of Virginia in the event of the dissolution of the Union”. It was as follows:

“Resolved by the general assembly of Virginia, That if all efforts to reconcile the unhappy differences existing between the two sections of the country shall prove to be abortive, then, in the opinion of the general assembly, every consideration of honor and interest demands that Virginia, shall unite her destiny with the Slaveholding States of the South.”<sup>3</sup>

The Assembly continued in session until April 4, 1861. Other resolutions similar to the foregoing were adopted and many acts of general legislation were enacted.

### *The State Convention and the Ordinance of Secession.*

A majority of the members of the General Assembly differed in their opinions from that of Governor Letcher, and on the 14th day of January, but seven days after the session began, an act was passed providing “For electing members of a Convention and to convene the same.” Never before in the history of Virginia had there been a State Convention which had not been authorized by a majority vote of her people. Now this was changed, the Assembly assuming the right to provide for and call a Convention. The dele-

1. See message of Governor Letcher, pp. 21-22—printed in the Senate Journal of Extra Session of the General Assembly, convened at Richmond, January 7, 1861.

2. See Acts of the General Assembly—Extra Session convened January 7, 1861—p. 337.

3. See Acts of the General Assembly—Extra Session convened January 7, 1861. p. 337.

gates thereto were to be elected on the 4th of February, 1861, and at the said election the Commissioners were required to "Open a separate poll to take the sense of the qualified voters as to whether any action of said Convention dissolving our connection with the Federal Union or changing the Organic Law of the State, shall be submitted to the people for ratification; and in order to ascertain the sense of the voters upon the question aforesaid, the said officers shall cause to be kept a poll-book to be headed "Upon the question of referring such action to the people for their decision"; which poll-book shall have two columns—the one headed "For referring to the people," and the other "Against referring to the people," and the names of those who vote for the former shall be written under the former heading, and those who vote for the latter, under the latter heading."

The date fixed for the assembling of the Convention was Wednesday, the 13th of February. The number of Delegates was one hundred and fifty-two, of whom forty-seven were from counties now included in West Virginia. The Convention assembled on the date fixed, and on that day there was a memorable scene in and around the old State House at Richmond. There Virginia had convened her renowned jurists, profoundest thinkers and literary characters. There sat ex-President John Tyler, Henry A. Wise, ex-Governor of the Commonwealth, and many others who had held high positions in the councils of the State and Nation.

A temporary organization was effected by the election of James H. Cox of Chesterfield County; and he was escorted to the chair by George W. Summers and Spicer Patrick, the delegates from Kanawha County—now in West Virginia. Then William F. Gordon, clerk of the House of Delegates, was appointed temporary Secretary. A permanent organization was declared to be in order and John Janney, of Loudon County, was elected President. In his address to the Convention, he said:

"I tender you my sincere and cordial thanks for the honor you have conferred upon me, by calling me to preside over the deliberations of the most important Convention that has been assembled in this State since the year 1776 \* \* \* It is not my purpose to indicate the course which this body will probably pursue, or the measures it may be proper to adopt. The opinions of to-day may all be changed to-morrow. Events are thronging upon us, and we must deal with them as they present themselves. \* \* \*

Gentlemen: There is a flag which for nearly a century has been borne in triumph through the battle and the breeze, and which now



floats over this capitol, on which there is a star representing this ancient Commonwealth, and my earnest prayer, in which I know every member of this body will cordially unite, is that it may remain forever; provided always that its luster is untarnished. We demand for our own citizens perfect equality of rights with those of the empire States of New York, Pennsylvania and Ohio; but we ask for nothing that we will not cheerfully concede to those of Delaware and Rhode Island. \* \* \*

Gentlemen: This is no party Convention. It is our duty on an occasion like this to elevate ourselves into an atmosphere in which party passion and prejudice cannot exist—to conduct all our deliberations with calmness and wisdom, and to maintain with firmness, whatever position we may find it necessary to assume.”<sup>4</sup>

When the President finished his address, John L. Eubank of the city of Richmond, was elected permanent Secretary. A Committee on Federal Relations, consisting of twenty-one members, was appointed February 16, 1861. It consisted of Robert Y. Conrad, of Frederick County; Henry A. Wise, of Princess Anne County; Robert E. Scott, of Fauquier County; Wm. Ballard Preston, of Montgomery County; Lewis E. Harvie, Amelia and Nottaway Counties; William H. Mcfarland, Richmond City; William McComas, Cabell County; Robert Montague, Matthews and Middlesex Counties; Samuel Price, Greenbrier County; Valentine W. Southall, Albemarle County; Waitman T. Willey, Monongalia County; James C. Bruce, Halifax County; William W. Boyd, Botetourt and Craig Counties; James Barbour, Culpepper County; Samuel C. Williams, Shenandoah County; Timothy Rives, Prince George and Surry Counties; Samuel McD. Moore, Rockbridge County; George Blow, Jr., Norfolk City; Peter C. Johnson, Lee and Scott Counties; John B. Baldwin, Augusta County; John J. Jackson, Wood County—seventeen from what is now Virginia, and four from what became West Virginia.

On the same day the President appointed the following Committee on Elections, viz: Alpheus F. Haymond, of Marion County, (now in West Virginia); William L. Goggin, of Bedford County; William G. Brown, of Preston County, (now in West Virginia); J. R. Chambliss, of the Greeneville-Sussex Delegate District; Allen T. Caperton, of Monroe County, (now in West Virginia); William Ambler, of Louisa County; Algernon S. Gray, of Rockingham County; Eppa Hutton, of Prince William County; John A. Campbell, of Wythe County; William M. Tredway, of Pittsylvania

4. See Journal of the Convention.—pp. 8, 9, 10.

County; and Addison Hall of the Lancaster-Northumberland Delegate District.

The business of the Convention was now fairly begun, and resolutions were poured upon the Convention with great rapidity, far the greater number being referred to the Committee on Federal Relations. They were expressive of divers sentiments and conflicting opinions. The Governor was requested to furnish the number of Enrolled Militia and the number and character of arms distributed to Volunteer companies. A select Committee of five was appointed to report speedily whether any movements of arms or men had been made by the Federal government to any fort or arsenal in or bordering on Virginia indicating a preparation for attack or coercion.

The 18th day of February was set apart for the reception of the Commissioners appointed by the States of South Carolina, Georgia and Mississippi, to the Convention to ask the co-operation of Virginia in establishing and maintaining a government in the seceded States. The first speaker was Hon. Fulton Anderson, the Commissioner from Mississippi. He began his remarks by a graceful adulation of Virginia, in attributing to her the honor of leadership in the struggle for independence with the crown of Great Britain. He then rehearsed the action of his own State in her secession from the Union; and closed by saying that Virginia held in her hands the destiny of a Southern Confederacy, and that by uniting with her Southern sisters, a revolution would be accomplished, bloodless and peaceful in its character, and no more threats of coercion would be heard. Hon. Henry L. Benning, from Georgia, was next introduced. He urged separation as the only remedy for existing evils. "What" said he, "shall influence a nation to enter into a treaty with another nation?" It is, he argued, interest—material, social, political and religious interest. A long array of statistics and figures were presented to show how Virginia would be benefited by joining her fortunes with those of the seceding States. Then came Hon. John S. Preston, the Commissioner from South Carolina, who stated that his mission was "to communicate to the people of Virginia the causes which have impelled the people of South Carolina to withdraw from the United States". He believed that the time had come when the slaveholding States should resume the powers hitherto granted to the General Government. He closed with an earnest appeal to Virginia to assume that position which her past greatness indicated, and with her



voice hush the storm of war and keep the ancient glory of her name. The Commissioners were representative men of their respective States, and the addresses of all were resplendent with rhetorical flourish and literary excellence. All portrayed the danger to Virginia by remaining longer in the Union, and held up to view a new government of a new nation of which Virginia, should she pass an Ordinance of Secession, would become the chief corner-stone. The effect produced by this visit of the Commissioners was indeed powerful. By resolution, each Commissioner was requested to furnish the manuscript of his address and three thousand copies were ordered printed for the use of the Convention.

The citizens of many of the eastern counties, in convention assembled, urged the Convention to immediate action. At a meeting in Bedford County, March 6, 1861, the following was adopted:

*"Be it resolved.* That we will resist any and every attempt at coercion, and respectfully request our delegates in the Convention to use every means in their power to dissolve the connection of Virginia with the Federal Government."<sup>5</sup>

At a meeting of the citizens of Smythe County, at their Court-house, March 9, 1861, they adopted the following:

*"Resolved,* That the honor, the duty, and the interests of Virginia, imperatively demand that she should immediately resume all her rightful sovereignty and stand prepared for war."<sup>6</sup>

On the 6th of March. Alpheus F. Haymond, Chairman of the Committee on Elections, reported to the Convention, that returns from the election held on the 4th of the preceding February, had been received from all of the counties of the State (except Buchanan, Cabell, Elizabeth City, Greene, Logan, McDowell and Wise), and that the total number of votes reported cast, was 145,697, of which 100,536 were in favor of referring the action of the Convention to the People for ratification or rejection; and 45,161, against referring to the people.<sup>7</sup>

On Saturday, April 13th, it was reported in Richmond that the South Carolina forces had attacked Fort Sumter, and Governor Letcher sent a telegram to Governor Pickens of that State, making inquiry as to whether the report was true. To this the latter replied, saying: "It is true, and it still continues. No damage to any on our side or to our works. Great damage to Fort Sumter." Later in the day Governor Pickens sent another telegram saying: "That Fort Sumter was bombarded all day yesterday \* \* \*

The war has commenced. Please let me know what Virginia will

5. See Journal of the Convention—p. 98.

6. See Journal of the Convention—p. 99.

7. See Documents of the Convention—No. IX. p. 6.

do?" To this, Governor Letcher replied by saying: "The Convention now in session will determine what Virginia will do."<sup>8</sup>

### *An Ordinance of Secession.*

This determination by the Convention was soon reached, as Governor Letcher said it would be. Henceforth there was much confusion, and excited discussions continued until April 16th, when, with the Convention in secret session, William Ballard Preston reported from the Committee on Federal Relations the following Ordinance:

"AN ORDINANCE TO REPEAL THE RATIFICATION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, BY THE STATE OF VIRGINIA, AND TO RESUME ALL THE RIGHTS AND POWERS GRANTED UNDER SAID CONSTITUTION.

The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in Convention on the twenty-fifth day of June, in the year of our Lord, one thousand seven hundred and eighty-eight, having declared that the powers granted under the said Constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to their injury and oppression, and the Federal Government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern Slaveholding States.

*Now, therefore, we, the people of Virginia, do declare and ordain, That the ordinance adopted by the people of this State in Convention, on the twenty-fifth day of June, in the year of our Lord, one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified; and all acts of the General Assembly of this State ratifying or adopting amendments to said Constitution, are hereby repealed and abrogated; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State.*

*And they do further declare, That said Constitution of the United States of America, is no longer binding on any of the citizens of this State.*

This Ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this State, cast at a poll to be taken thereon, on the fourth Thursday in May next, in pursuance of a schedule hereinafter to be enacted."<sup>9</sup>

The next day, Wednesday, April 17, 1861, was the most eventful one in the annals of Virginia. At 1:30 P. M., a vote was taken and the Ordinance of Secession was adopted—yeas 88; nays 55—a majority of 33.

The crisis had been reached and passed, but the result was not known until the next day. Upon its announcement all East Virginia was wild with excitement. That evening a great mass meeting was held at the Metropolitan Hall in the city of Richmond, and the following resolutions unanimously adopted:

8. See Journal of the Convention—pp. 153-155.

9. See Ordinances of the Convention—pp. 3-4.



*"Resolved, unanimously.* That the thanks of this Convention be cordially tendered to the State Convention for the noble act of patriotic duty which they have just performed; and forgetting all past dissensions, we will rally with united hearts and hands in defense of the honor, safety and independence of Virginia, and the Confederate States."

*"Resolved unanimously.* That the members of this Convention do here, in the presence of the Almighty God and of each other, pledge themselves and each other, their fortunes and sacred honors, in defense of their native soil."<sup>10</sup>

The same evening Col. S. Bassett French, "with a heart too full for utterance", enclosed copies of these resolutions to the President of the Convention, stating that they had been "adopted by the people under the deepest sense of their responsibility to Almighty God and their beloved State." That night bonfires illuminated the public squares in Petersburg and Fredericksburg, and at interior towns the booming of cannon fired in celebration of the event, died away in prolonged echoes along the eastern base of the Blue Ridge. From the mountains to the sea all was enthusiasm.

A SCHEDULE accompanied the Ordinance of Secession. In this it was provided that the vote of the people upon the adoption of said Ordinance should be taken on the fourth Thursday in May following: That the poll-books used should be headed "The Ordinance of Secession" with two columns, one headed "For Ratification" and the other "For Rejection." That all qualified voters who might be absent from their county, or corporations in the Military Service of their State, might vote for the ratification or rejection of the said Ordinance at such place within the encampment as their Commanding Officer might designate; that the Governor should without delay make proclamation of the result, stating therein the aggregate vote for and against ratification; the same to be published in the newspapers of the State. The ninth section of this Schedule read as follows:

"The election for members of Congress for this State to the House of Representatives of the Congress of the United States, required by law to be held on the fourth Thursday in May next, is hereby suspended and prohibited until otherwise ordained by this Convention."<sup>11</sup>

#### *Alliance Between Virginia and the Confederate States.*

On the 18th of April the Convention adopted the following:

*"Resolved,* That the Governor of this Commonwealth be requested to communicate, immediately to the President of the Confederate States, the fact that this Convention, on yesterday, adopted an Ordinance resuming the powers delegated by Virginia to the Federal Government, and to express to the said President the earnest desire of Virginia to

10. See Documents of the Convention—No. XVIII., p. 6.

11. See Ordinances of the Convention—p. 5.

enter into an alliance, offensive and defensive, with the said Confederate States.<sup>12</sup>

The next day Governor Letcher complied with the request in this resolution, and in reply thereto, received a telegram from the President of the Confederate States in relation to an alliance between them and the Commonwealth of Virginia.<sup>13</sup>

TELEGRAM FROM THE PRESIDENT OF THE CONFEDERATE STATES.

"To his Excellency, John Letcher,<sup>14</sup>

Governor of the State of Virginia, &c., &c., &c.

Sir:—In response to your communication, conveying to me on behalf of the State of Virginia, the expression of the earnest desire of that Commonwealth to enter into an alliance offensive and defensive with the Confederate States, and being animated by a sincere wish to unite and bind together our respective countries by friendly ties, I have appointed Alexander H. Stephens,<sup>15</sup> Vice President of the Confederate States, as special commissioner of the Confederate States to the Government of Virginia; and I have now the honor to introduce him to you, and to ask for him a reception and treatment corresponding to his station, and to the purposes for which he is sent. Those purposes he will more particularly explain to you.

Hoping that through his agency these may be accomplished, I avail myself of this occasion to offer to you the assurance of my distinguished consideration.

JEFFERSON DAVIS.

Montgomery, April 19, 1861."

12. See Journal of the Convention—p. 165.

13. See Journal of the Convention—p. 168.

14. See Documents of the Convention, No. 54, p. 3.

15. ALEXANDER H. STEPHENS' COMMISSION TO TREAT WITH VIRGINIA.

"Jefferson Davis,

*President of the Confederate States of America.*

TO ALL WHOM THESE PRESENTS SHALL CONCERN, GREETING:<sup>16</sup>

Know ye, that for the purpose of establishing friendly relations between the Confederate States of America and the Commonwealth of Virginia; and reposing special trust and confidence in the integrity, prudence and ability of Alexander H. Stephens, Vice President of the Confederate States of America, appointed special Commissioner of the Confederate States to the Commonwealth of Virginia, I have invested him with full and all manner of power, and authority for, and in the name of the Confederate States, to meet and confer with any person or persons authorized by the Government of Virginia, being furnished with like power and authority, and with him or them to agree, treat, consult and negotiate of, and concerning all matters and subjects interesting to both republics; and to conclude a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the Confederate States for his final ratification, by and with the advice and consent of the Congress of the Confederate States.

In testimony whereof, I have caused the seal of the Confederate States to be hereunto affixed.

Given under my hand, at the city of Montgomery, this nineteenth day of April, A. D. 1861.

By the President:

ROBERT TOOMBS,

*Secretary of State.*"

JEFFERSON DAVIS.

16. See Documents of the Convention. No. 54 p. 5.



On the 22d day of April, the President of the Convention reported to that body that he had received from the Governor the credentials of Vice-President Alexander H. Stephens, a special Commissioner from the Confederate States of America, to the Commonwealth of Virginia. The same day Vice-President Stephens arrived in Richmond, and the next day he addressed the Convention upon the object of his mission to that city; at the afternoon session the following was adopted:

*"Resolved, That a Committee of five be appointed to confer with the Hon. Alexander H. Stephens, Commissioner from the Confederate States, to arrange with him the terms of union or alliance between this State and the said Confederate States, subject to the ratification of this Convention."*<sup>17</sup>

In compliance with this resolution the, President of the Convention immediately appointed as members of such Committee, ex-President John Tyler, of the Charles City-James City-New Kent Delegate District; William Ballard Preston, of Montgomery County; Samuel McD. Moore, of Rockbridge County; James P. Holcombe, of Albemarle County; and James C. Bruce, of Halifax County. By a motion, Lewis E. Harvie of the Amelia-Nottaway Delegate District, was added to the Committee, thus making it to consist of six members.<sup>18</sup> There was prompt action. In less than twenty-four hours (on April 24th) ex-President Tyler, Chairman of the Committee, reported to the Convention, for its consideration, a convention or agreement entered into between Alexander H. Stephens, Commissioner on the part of the Confederate States, and the Committee on the part of Virginia. This was as follows:

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**CONVENTION**  
between the  
**COMMONWEALTH OF VIRGINIA**  
and the  
**CONFEDERATE STATES OF AMERICA.**

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The Commonwealth of Virginia, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America, according to the provisions of the Constitution for the Provisional Government of said States, enters into

<sup>17</sup>. See Journal of the Convention—p. 189.

<sup>18</sup>. See Journal of the Convention—p. 190.

the following temporary convention and agreement with said States for the purpose of meeting pressing exigencies affecting the common rights, interest and safety of said Commonwealth and said Confederacy:

1st. Until the union of said Commonwealth with said Confederacy shall be perfected, and said Commonwealth shall become a member of said Confederacy according to the Constitutions of both powers, the whole military force and military operations, offensive and defensive, of said Commonwealth, in the impending conflict with the United States, shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis and footing as if said Commonwealth were now, and during the interval, a member of said Confederacy.

2nd. The Commonwealth of Virginia will, after the consummation of the union contemplated in this convention, and her adoption of the Constitution for a permanent Government of said Confederate States, and she shall become a member of said Confederacy, under said permanent Constitution, if the same occur, turn over to said Confederate States all the public property, naval stores and munitions of war, etc., she may then be in possession of, acquired from the United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

3d. Whatever expenditures of money, if any, said Commonwealth of Virginia shall make before the union under the Provisional Government, as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This Convention, entered into and agreed to, in the city of Richmond, Virginia, on the twenty-fourth day of April, eighteen hundred and sixty-one, by Alexander H. Stephens, the duly authorized commissioner to act in the matter of the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce and Lewis E. Harvie, parties duly authorized to act in like manner for said Commonwealth of Virginia—the whole subject to the approval and ratification of the proper authorities of both governments respectively.

*In testimony whereof*, the parties aforesaid have hereto set their hands and seals, the day and year aforesaid, and at the place aforesaid, in duplicate originals.

JOHN TYLER,	[Seal.]
WILLIAM BALLARD PRESTON,	[Seal.]
SAMUEL McD. MOORE,	[Seal.]
JAMES P. HOLCOMBE,	[Seal.]
JAMES C. BRUCE,	[Seal.]
LEWIS E. HARVIE,	[Seal.]

*Committee of the Convention.*

ALEXANDER H. STEPHENS,	[Seal.]
<i>Commissioner for Confederate States.</i>	



There was no delay on the part of the Convention. The next day (on April 25th), the foregoing convention or agreement was, by that body, fully and completely ratified as follows:

*"Be it ordained by this Convention, That the Convention entered into on the twenty-fourth day of April, eighteen hundred and sixty-one, between Alexander H. Stephens, Commissioner of the Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, Commissioners of Virginia, for a temporary union of Virginia with said Confederate States, under the Provisional Government adopted by said Confederate States, be and the same is hereby ratified and confirmed on the terms agreed upon by said Commissioners."*<sup>19</sup>

*Constitution of the Provisional Government of the Confederate States Adopted by the Virginia Convention.*

On the same day—April 25th—on which the Convention ratified the agreement between the Commissioner of the Confederate States, and those on the part of Virginia, it adopted the following:

"An ORDINANCE for the adoption of the Constitution of the Provisional Government of the Confederate States of America:

"We, the delegates of the people of Virginia, in convention assembled, solemnly impressed with the perils which surround the Commonwealth, and appealing to the searcher of hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, adopt and ratify the constitution of the provisional government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the eighth day of February, eighteen hundred and sixty-one; provided, that this ordinance shall cease to have any legal operation or effect, if the people of this Commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this convention on the seventeenth day of April, eighteen hundred and sixty-one, shall reject the same."<sup>20</sup>

Two hundred copies of this Document were ordered printed for the use of the members of the Convention.<sup>21</sup>

*Capture of Government Property—The Organization of a Provisional Army.*

On the same day on which the Ordinance of Secession was adopted the State Government took steps to possess the Government property within its jurisdiction. The first movement was against Harper's Ferry. This was begun in compliance with the following telegram:

General Headquarters,

Adjutant General's Office, April 17, 1861.

Brigadier General James H. Carson, 16th Brigade,  
Frederick County, Virginia.

Sir,—You will issue instant orders to the volunteer force of your brigade, to hold itself in readiness for service at a moment's warning, and

19. See Ordinances of the Convention—p. 4.

20. See Ordinances of the Virginia Convention—p. 6.

21. See Journal of the Convention—p. 190.

support any movement that may be made by the State troops, upon the Arsenal and works at Harper's Ferry. They will probably be joined by the volunteers of Augusta and Rockingham, &c. If necessary, you will assume the command of the entire force.<sup>22</sup>

By order of the Commander-in-Chief,

WM. H. RICHARDSON, A. G.

The following telegram was sent from Richmond the next day:

"General Headquarters,

Adjutant General's Office, April 18, 1861.

General Thomas Haymond, *Commanding 3rd Division*:

The Governor directs that you give orders to the volunteer corps, in your Division, to be ready for service at a moment's notice, and to the Brigadier Generals to be prepared for service. That you take measures effectually to prevent the passage of the Federal or any other troops from the West, eastward on the Baltimore and Ohio Rail Road.

The Brigadier Generals of your Division are Buckner Fairfax, of Preston County, 10th Brigade; James H. Carson, Frederick County, the 16th; James Boggs, Pendleton County, 18th; C. B. Conrad, Gilmer County, 20th; John J. Jackson, Wood County, 23d; and Bushrod W. Price, Marshall County, 24th; and to them, your orders should be addressed, promptly.<sup>23</sup>

By Command.

WM. H. RICHARDSON, A. G."

April 19th—Major-General Kenton Harper, commanding at Harper's Ferry, telegraphed Adjutant-General William H. Richardson, saying: "I am forwarding to Winchester, with all dispatch possible, the arms and machinery at this place, retaining only such of the arms which are complete, and rescued from the burning, as are thought necessary to equip the troops, imperfectly armed, as they come in." \* \* \* There are now about thirteen hundred men here, and I expect reinforcements to the number of five hundred in a few hours, and I have information of about a thousand now on the way.'<sup>24</sup>

April 21st.—Flag Officer French Forest, took possession of the Norfolk and Gosport Navy Yards, together with vessels, steam engines, machinery, tools, supplies, and other property valued at \$2,497,130.92; together with the old and new custom houses at Norfolk, valued at \$207,000.00.<sup>25</sup>

The same day on which the movement was made against Harper's Ferry,—April 17th—the Convention provided for a State Military force. This was done by the adoption of "An Ordinance to call the volunteers into the service of the State and for other purposes." This was as follows:

"Be it ordained, That the governor of the commonwealth be and he is hereby authorized and required to call into the service of the State as many volunteers as may be necessary to repel invasion, and protect the citizens of the State in the present emergency, which volunteers he

22. See Documents of the Convention—No. 35 p. 83.

23. See Documents of the Convention—No. 35, p. 85.

24. See Documents of the Convention, No. 35, p. 79.

25. See Documents of the Convention, No. 35, pp. 15-47.



will receive in companies, and organize into regiments, brigades and divisions, according to the force required; and the governor shall appoint and commission the general, field and staff officers, of said volunteers, and proceed to have them organized and instructed; and that he shall immediately invite all efficient and worthy Virginians and residents of Virginia in the army and navy of the United States to retire therefrom, and to enter the service of Virginia, assigning to them such rank as will not reverse the relative rank held by them in the United States Service, and will at least be equivalent thereto.

"2d. *Be it further ordained*, That the governor shall repel invasion, and see that in all things the commonwealth take no detriment; and shall exercise for this purpose the powers conferred upon him by the constitution and laws of the state.

"3d. *Be it further ordained*, That to enable him to carry out the resolution aforesaid, the sum of one hundred thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.<sup>26</sup>

On the 19th of April, the office of Major-General of the Military and Naval forces of the State was created. Three days later Governor Letcher nominated Robert E. Lee for this office which was promptly confirmed by the Convention.<sup>27</sup> April 27th an Ordinance providing for Enlistment in the Provisional Army was adopted. It provided that all free, able-bodied, effective men, between the ages of eighteen and forty-five might be enlisted, and the enlistment should be binding on minors, provided they be allowed four days to reconsider and retract their enlistment.<sup>28</sup>

On the 29th of April, five Congressmen were elected to represent Virginia, in the Provisional Congress of the Confederate States, about to assemble at Montgomery, Alabama. These were Hon. R. M. T. Hunter, of Essex county; William C. Rives, of Albemarle county; Hon. John W. Brockenbrough, of Rockbridge county; Walter R. Staples, of Montgomery county; and Judge Gideon D. Camden, of Harrison county.<sup>29</sup>

By another Ordinance adopted April 30th, the term of service of all volunteers called into service under the Ordinance of the 17th of April, 1861, was twelve months, unless sooner discharged.<sup>30</sup>

*All Citizens of Virginia Absolved from Their Allegiance to the United States.*

On the first day of May, 1861, the Convention adopted its forty-first Ordinance which was as follows:

"An ORDINANCE to release the Officers, civil and military, and the citizens generally of the State of Virginia, from all obligations to sup-

26. See Ordinances of the Convention—p. 8.

27. See Journal of the Convention—pp. 185, 186.

28. See Ordinances of the Convention—p. 11.

29. See Journal of the Convention—p. 213, 214, and Journal of the Second Session—pp. 23, 24, 25, 26, 27, 28, 29.

30. See Ordinances of the Convention—p. 13.

port the Constitution of the late Confederacy, known as the United States of America.

*"Be it ordained.* That all Officers, civil and military, and the people generally of this State, be and they are hereby released from any and all oaths which they may have taken to support the Constitution of the late Confederacy, known as the United States of America; and that said oaths and the said Constitution are inoperative and void, and of no effect, and that the eleventh section of chapter thirteen of the Code of Virginia of eighteen hundred and sixty, be and is hereby repealed."<sup>31</sup>

On the 7th of May, copies of the Ordinance of the Convention, adopting the Constitution of the Provisional Government of the Confederate States of America; also of that of the election of Congressmen by the Convention to represent the State of Virginia in the Congress of the Confederate States, were read in said Congress.<sup>32</sup>

The same day, Hon. Walker Brooke, of Mississippi, announced to the Confederate Congress the presence of John W. Brockenbrough and Walter R. Staples, Delegates from Virginia; and on motion of Hon. Robert B. Rhett, of South Carolina, they were admitted to seats.<sup>33</sup>

(N. B.—R. M. T. Hunter took his seat May 10th; and William C. Rives on May 14th ensuing. Gideon D. Camden never appeared to take his seat.)

A Resolution adopted by the Congress of the Provisional Government, ratified the terms of alliance entered into on the 24th of the preceding April, by and between Alexander H. Stephens, the Confederate Commissioner and the Commissioners of Virginia, and the old Commonwealth was thus formally admitted into the Confederate States of America May 7th, 1861.<sup>34</sup>

A BRIEF SUMMARY—The Convention having adopted an Ordinance of Secession; forbidden the election in the State of representatives to the Federal Congress; effected an Alliance, offensive and defensive, between Virginia and the Confederate States; adopted the Constitution of the Provisional Government of said States; elected five members of the Confederate States Congress, four of whom hastened to take their seats; released all officers from the oaths they had taken to support the Constitution of the United States, and absolved all the people of Virginia from their allegiance to the said United

31. See Ordinances of the Convention—p. 33.

32. See Journal of the Provisional Congress of the Confederate States—Vol. I, p. 192.

33. See Journal of the Provisional Congress of the Confederate States—Vol. I, p. 192.

34. See Journal of the Provisional Congress of the Confederate States. Vol. I, p. 193.



States; captured the property of the National Government at Harper's Ferry; took possession of the Norfolk and Gosport Navy Yards, with the property connected therewith; occupied the custom-houses at Norfolk and Richmond; and made arrangements by which the State was formally admitted a member of the Confederate States—the whole done before the time arrived for the people to vote for the ratification or rejection of the Ordinance of Secession—the Convention adjourned until June 12th ensuing.

NOTE—The Sessions of this Convention were as follows:

Regular Session began Wednesday, February 13, 1861, and ended May 1, 1861.

First Adjourned Session began Wednesday, June 12, 1861, and ended July 1, 1861.

Second Adjourned Session began Wednesday, November 13, 1861, and ended December 6, 1861, when it adjourned *Sine die*.

## CHAPTER II.

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### CONDITIONS IN NORTHWESTERN VIRGINIA—OPPOSITION TO SECESSION—PUBLIC MEETINGS IN THE INDIVIDUAL COUNTIES—UNITED ACTION SECURED BY THE CONVENTION AT CLARKSBURG.

A very large majority of the men of Western Virginia regarded Secession as ruinous; they did not believe that it was a remedy for the ills complained of by the men of Eastern Virginia. They therefore determined that if that part of the Commonwealth chose to cast its fortunes with the seceded States, they would endeavor to save the Trans-Allegheny Region to the Federal Union. Their position was that they would do all possible against Secession, and thereby keep Virginia—all of it—in the Union; but if this could not be done, then they would, if possible, secure a division of the Commonwealth. Having determined upon this course, they hastened to give expression to their views, and to act in accordance therewith. The first public meeting held for the purpose of giving utterance to these sentiments, assembled at the court-house in Preston County, on the 12th day of November, 1860—six days after the Presidential election—and three days before Governor Letcher issued his proclamation convening the General Assembly in extra session. Men of all parties participated in the proceedings. The partisans of the two democratic candidates, who had waged a furious warfare but one short week previously, met in honest and earnest council to give expression to their views upon the result of the late election, and the questions that were rapidly assuming a dangerous tendency thereunder. The supporters of the Bell and Everett ticket joined in the deliberations, and the few but independent and active adherents of the successful party added their voice. After little delay and no discussion, so united were the men of all parties, that they passed a series of resolutions strongly opposing Secession, and declaring that any attempt upon the part of the State to secede, would meet with the unqualified disapprobation of the people of the county.<sup>1</sup>

A meeting was held in Harrison County, on the 24th day of November—four days after South Carolina adopted an Ordinance



of Secession—under circumstances similar to those in Preston County; and it declared that the people would first exhaust all constitutional remedies for redress, before they would resort to any violent measures; that the ballot-box was the only medium known to the Constitution for a redress of grievances, and to it alone would they appeal; that it was the duty of all citizens to uphold and support the lawfully constituted authorities.<sup>1</sup>

An assemblage of people, at the court-house of Monongalia County, on the 26th of November, in which the acknowledged leaders of all parties took part, resolved unanimously that the election of the candidates of the Republican party did not justify Secession, and that the Union of the States was the best guarantee for the present and future welfare of the people. The people of Taylor County assembled at their court-house on the 3d day of December, ensuing, and resolved unanimously that they were opposed to taking any steps looking to the dissolution of the Union for existing causes.<sup>1</sup>

On the 14th of December, 1860, there was a great gathering of the citizens of Ohio County in the Athenæum in Wheeling; much enthusiasm was manifested. Hon. Andrew Wilson, Mayor of the city, was called to the chair, and Nathan Wilkinson was appointed Secretary. Hon. Sherrard Clemens, member of Congress, was the orator of the evening and in a speech resplendent with rhetoric and literary flourish, he portrayed the evils of Secession. A preamble expressed a strong Union sentiment and the eighth in a series of resolutions adopted, was as follows:

*"Resolved, That we deplore all attempts<sup>o</sup> to abolish or destroy the Constitution of the United States. We do not see that our condition would be improved, if this were done; on the contrary, we have reasons to fear that whatever evils we suffer now, they will be greatly increased with manifold others, 'that we know not of.' Of the broken fragments of our present glorious Union, we should despair of building another in which we could have any confidence. Avowedly a league to be dissolved at pleasure or any caprice, passion, disappointment, or supposed interest of stability could be expected in another Confederacy. Virginia is bounded by the Ohio river and the state of Pennsylvania for upwards of 400 miles. A great body of her people reside near the Ohio river, and on the hills and valleys penetrated by the many streams and rivers which enter it. They have their commerce and intercourse chiefly with the great West; and are deeply interested in preserving the perfect integrity and Union of the States. We deprecate being placed in the position of a border frontier, and we think Virginia should hesitate long before she aids or abets the disruption of the present Constitution, and places her people in such position."*<sup>2</sup>

1. See Hagans "Erection and Formation of West Virginia."—p. 37, printed in Vol. I, W. Va. Supreme Court Reports.

2. See Wheeling Daily Intelligencer—Dec. 15-16, 1860.

On the 21st of December, a meeting was held at Bethany, the seat of old Bethany College, in Brooke County, at which a number of the members of the faculty of that institution took an active part.<sup>3</sup> At Hartford City, Mason County, a citizens meeting resolved that the election of Abraham Lincoln in accordance with the express provisions of the Constitution, was not a just cause for the dissolution of the American Union.

On January 1, 1861, the largest and most enthusiastic meeting of citizens that, up to that time, had ever assembled in Wood County, convened in Parkersburg, and with but one dissenting voice, adopted the following:

"*Resolved*, That the doctrine of Secession of a State has no warrant in the Constitution, and that such doctrine would be fatal to the Union, and all the purposes of its creation; and in the judgment of this meeting, Secession is revolution \* \* \* \* We are deeply impressed with the conviction that our national prosperity depends on preserving the Union as it is; and we see nothing in the election of Abraham Lincoln to the Presidency of the United States—as much as we may have desired the election of another—as affording any just or reasonable cause for the abandonment of what we regard as the best Government ever yet devised by the wisdom and patriotism of men. That the result of calling a Convention to consider what position Virginia shall assume in the revolutionary movements of South Carolina, will be the means of precipitating the State into a connection fatal to her credit, her prosperity and the happiness of her people."<sup>4</sup>

On the 5th of January—two days before the meeting of the General Assembly in extra session at Richmond—a Workingmen's Union Meeting assembled at Wheeling; it was the largest that ever convened within the walls of the Atheneum, the audience being estimated at three thousand, nearly all of whom were men who seldom took any part in politics; among the resolutions adopted were these:

"*Resolved*, That we will not be bound by the acts of any Convention, no matter how called or organized, the purpose of which is to alter or in any manner change the relation which Virginia bears to the Government of the Union."

"*Resolved*, Further, That any Convention which may be called, should take such action to amend the Constitution of Virginia as to bar representation in the General Assembly upon the free, white population of the State and ultimately establish the *ad valorem* principle of taxation as well for slaves as for other property."<sup>5</sup>

At a meeting at Sand Hill, in Marshall County, January 5th, at which eighty voters were present, it was resolved:

"That we will stand by the Union and resist to the utmost of our ability, every and all attempts to dissolve the Union; and we further pledge ourselves not to vote for any man to hold office or represent us, unless he is in favor of the Union, and will give it his support."<sup>6</sup>

3. See Wheeling Daily Intelligencer—Dec. 22, 1861.

4. See Wheeling Daily Intelligencer—Jan. 4, 1861.

5. See Wheeling Daily Intelligencer—Jan. 7, 1861.

6. See Wheeling Daily Intelligencer—Jan. 9, 1861.



On January 7th, a large and enthusiastic meeting of citizens of Mason County assembled at Point Pleasant, and passed a series of resolutions strongly favoring the Union, and denouncing the policy of Secession. The foremost men of the County participated in the Convention.<sup>7</sup>

On the 19th of January ensuing—but five days after the General Assembly passed the bill providing for a Convention—a mass meeting at Clarksburg, in Harrison County, unanimously resolved:

“That we will not support any man who believes that the Convention to assemble at Richmond on the 13th of February, 1861, or any other State authority, can absolve the citizens of this State from their allegiance to the General Government; and that we will support no man who believes that the Federal Government has not the right of self-preservation.”<sup>8</sup>

A large number of citizens of Ohio County assembled at West Liberty, January 19th, and declared that in view of the present alarming crisis of the Federal Relations of the State, it was the duty of each citizen of the State to stand by the Union.<sup>9</sup> Two days later the people of Hancock resolved:

“That in our several capacities as citizens of the United States, and of this State, we can remain loyal to both, but in the event of Secession being forced upon us, we will not recognize any power claimed thereby to alter or impair our fidelity and allegiance to the General Government, but will resist all such assumed power to the past extremity.”<sup>10</sup>

On January 22nd, the citizens of Triadelphia, in Ohio County, declared by resolution that Virginia had suffered no wrongs at the hands of the General Government that will afford sufficient pretext for open and forcible opposition to the Federal authorities, and that the election of Mr. Lincoln was in form prescribed by law, and that they would vote for no man for a seat in the State Convention, until he pledged himself to vote in that body against the Secession of Virginia.<sup>11</sup>

A large mass meeting of the people at Sistersville, in Tyler County, on January 24th, gave the first utterance to State division by resolving:

“That in case of the firm determination of Eastern Virginia to secede, that we will instruct our delegate and pledge him to stand by the Union in every emergency. *And that if Eastern Virginia secedes*<sup>12</sup> *we are in*

7. See Cincinnati Commercial—Jan. 8, 1861.

8. See Wheeling Daily Intelligencer—Jan. 24, 1861.

9. See Wheeling Daily Intelligencer—Jan. 22, 1861.

10. See Wheeling Daily Intelligencer—Jan. 26, 1861.

11. See Wheeling Daily Intelligencer—Jan. 24, 1861.

12. RESOLUTION OF HON. JAMES BURLEY, THE DELEGATE FROM MARSHALL COUNTY, IN THE RICHMOND CONVENTION, MARCH 16, 1861.

Mr. Burley who sought to know why, if Virginia seceded from the Union, one part of a State might not separate from the other part,

*favor of striking West Virginia from Eastern Virginia and forming a State independent of the South, and firm to the Union."*<sup>13</sup>

On the 26th of January, a large number of voters assembled at Cameron, in Marshall County, and declared that it was "their duty as well as interest to make their sentiments known, and they are, that we are unfaltering in our devotion to the Union as bequeathed our fathers; that the Union and Constitution have committed no wrong, but have secured most graciously and admirably in our mission, and continue so to do, if they are maintained."<sup>14</sup>

On January 29th, a County Convention in Ohio county, declared as follows:

"In the name and on behalf of the people of Ohio County, we do solemnly declare and say "That the unity of Government which constitutes one people, is still dear to us. It is a pillar in the edifice of our real independence; the support of our tranquility at home—our peace abroad; of our safety, of our prosperity; of that liberty which we so highly prize."<sup>15</sup>

Another meeting in that county on the same day resolved:

"That we are loyal to the Constitution and the Union of the United States, but we are unalterably opposed to Secession as being a doctrine, in our opinion wholly unauthorized by the Constitution as in no degree a remedy for any of the evils of which we complain; whatever may be the doctrine of the Convention as to coercion."<sup>16</sup>

On February —, 1861, a meeting of the citizens of Brooke county resolved:

"That of all the people of these United States, we, the people of the so called Pan-handle Region of Virginia, are the most to be affected by the Secession of this State. By it we would be put in an "inferior condition to these herein mentioned," and subject only to taxation to support a Government in the extreme South, in which we have no interest in common with the people."<sup>17</sup>

submitted a series of resolutions of which the following was the last; this, on his motion, was laid on the table, and ordered to be printed:

"Resolved, That the right of revolution above recognized can be exercised as well by a portion of the citizens of a State against their State government, as it can be exercised by the whole people of a State against their Federal Government; and, when the powers of a State Government are used for purposes of unjust discriminations against a portion of the citizens or a particular section of the State, in imposing upon one portion or section an undue proportion of the burdens of the State Government, and in exempting from taxation a peculiar species of property belonging, to a great extent, to another portion of the citizens and located mostly in another section of the State, thus increasing taxation upon all other interests in order to favor a "peculiar interest"; the people thus oppressed after having exhausted all constitutional efforts to obtain redress, would be justified in resisting the collection of all revenue from them until the injustice aforesaid was removed. And that any change of the relation Virginia now sustains to the Federal Government, against the wishes of even a respectable minority of her people, would be such an act of injustice perpetrated upon the rights of that minority as to justify them in changing their relation to the State Government by separating themselves from that section of the State that had thus wantonly disregarded their interests and defied their will—particularly when the cause assigned for the change of Virginia's relation to the said Federal Government is the alleged insecurity in the said last mentioned Government of the peculiar species of property thus protected by the organic law of the State from contributing its due share to the support of the said State Government or prohibiting the taxing of a large portion of said property, and limiting the portion subject to taxation to a specific tax far less than that imposed upon every other species of property." See Journal of the Convention—March 16, 1861, p. 104.

13. Published in the Plain Dealer, and copied into the Wheeling Daily Intelligencer—Feb. 4, 1861.

14. See Daily Intelligencer—Jan. 29, 1861.

15. See Daily Intelligencer—Feb. 1, 1861.

16. See Daily Intelligencer—Jan. 30, 1861.

17. See proceedings of meeting in Wellsburg Herald, copied into Wheeling Intelligencer, Feb. 4, 1861.



As stated in Chapter I, page 14, the Convention sitting at Richmond, adopted an Ordinance of Secession, April 17, 1861. We have seen that because of this action on the part of the Convention, there was great rejoicing not only in Richmond, but throughout all Eastern Virginia. But, how different were the conditions in Northwestern Virginia. There anxious thousands impatiently awaited intelligence from the capital city on the James. But none came, for at that time, there was but one line of telegraph connecting the East with the West and that night—April 18th—it was broken at Harper's Ferry. On the streets of Morgantown, Clarksburg, Weston, Parkersburg, Wheeling, Wellsburg, and other towns, earnest men looked each other in the face to see reflected back an expression of the feeling which agitated their own breasts. Nothing definite was known in some of the counties until the arrival home of delegates from Richmond. Then a thrill of excitement shook the country from the Alleghenies to the Ohio, and but a few days sufficed to fan into flame the sectional jealousies of other years.

As previously stated, there were forty-seven members in that Convention representing counties in Western Virginia—now West Virginia. They were as follows, that is to say, from:

*Barbour County*—Samuel Woods.

*Berkeley County*—Allen C. Hammond and Edmund Pendleton.

*Braxton, Nicholas, Clay and Webster*—Benjamin W. Byrne.

*Brooke County*—Campbell Tarr.

*Cobell County*—Wm. McComas.

*Doddridge and Tyler*—Chapman J. Stuart.

*Logan, Boone and Wyoming*—James Lawson.

*Marion County*—Alpheus F. Haymond and Ephraim B. Hall.

*Marshall County*—James Burley.

*Mason County*—James H. Couch.

*Mercer County*—Napoleon B. French.

*Monongalia County*—Waitman T. Willey, and Marshall M. Dent.

*Fayette and Raleigh*—Henry L. Gillispie.

*Gilmer, Wirt and Calhoun*—C. B. Conrad.

*Greenbrier County*—Samuel Price.

*Hampshire County*—Edward M. Armstrong and David Pugh.

*Hancock County*—George McC. Porter.

*Hardy County*—Thomas Maslin.

*Harrison County*—John S. Carlile and Benjamin Wilson.

*Jackson and Roane*—Franklin P. Turner.

*Jefferson County*—Alfred M. Barbour and Logan Osburn.

*Kanawha County*—George W. Summers and Spicer Patrick.

*Lewis County*—Caleb Boggess.

*Monroe County*—Allen T. Caperton and John Echols.

*Morgan County*—Johnson Orick.

*Ohio County*—Sherrard Clemens and Chester D. Hubbard.

*Pendleton County*—Henry H. Masters.

*Pocahontas County*—Paul McNeil.

*Pleasants and Richie*—Cyrus Hall.

*Preston County*—Wm. G. Brown and James C. McGrew.

*Putnam County*—James W. Hoge.

*Randolph and Tucker*—John N. Hughes.

*Taylor County*—John S. Burdett.

*Upshur County*—George W. Berlin.

*Wayne County*—Burwell Spurlock.

*Wetzel County*—Leonard S. Hall.

*Wood County*—John J. Jackson.

Of these members from what became West Virginia those voting against the Ordinance of Secession, were:

Edward M. Armstrong, George W. Berlin, Caleb Boggess, Wm. G. Brown, John S. Burdett, James Burley, Benjamin W. Byrne, John S. Carlile, Sherrard Clemens, C. B. Conrad, James H. Couch, Alpheus F. Haymond, Chester D. Hubbard, John J. Jackson, Wm. McComas, James C. McGrew, Henry H. Masters, Logan Osburn, Spicer Patrick, Edmund Pendleton, George McC. Porter, Samuel Price, David Pugh, Marshall M. Dent, Ephraim B. Hall, Allen C. Hammond, James W. Hoge, Burwell Spurlock, Chapman J. Stuart, George W. Summers, Campbell Tarr and Waitman T. Willey—thirty-two in all.

Those voting for the Ordinance were:

Allen T. Caperton, John Echols, Napoleon B. French, James Lawson, Johnson Orick, Henry L. Gillispie, Cyrus Hall, Leonard S. Hall, John N. Hughes, Samuel Woods and Franklin P. Turner—eleven in all.

Those not voting upon the question were Thomas Maslin, Benjamin Wilson, Alfred M. Barbour and Paul McNeil—four in all.

Those who voted in the negative and afterward changed to the affirmative, were George W. Berlin and Alpheus F. Haymond.

Those who did not vote, but afterwards signed the Ordinance of Secession, were Alfred M. Barbour and Paul McNeil.

The Western members who voted against the Ordinance hastened to leave Richmond. John S. Carlile departed for his home in Harrison County, the evening of the same day on which the vote was taken. The next day there was a meeting of delegates from the Western part of the State, in the room of Sherrard Clemens at the Powhatan (now Ford's) hotel in the city, to determine upon a course of action. Among those present were James Burley, Sherrard Clemens, Marshall M. Dent, Ephraim B. Hall, Chester D. Hubbard, John J. Jackson, James C. McGrew, Spicer Patrick, Chapman J. Stuart, George McD. Porter and Campbell Tarr. Neither Waitman T. Willey nor William G. Brown was present, they not having been present when the call was made for the hurried gathering. General Jackson acted as chairman; and it was resolved that all should leave the Convention city for their homes on the first train, proceeding by way of Alexandria and Washington, Chester D. Hubbard and Sherrard Clemens, the latter of whom was still suffering from a wound received in a duel with O. Jennings Wise, proceeded to Baltimore, and thence by way of Har-



risburg and Pittsburg to Wheeling, where they arrived on the 19th of April. Waitman T. Willey, William G. Brown, Caleb Boggess and others speedily reached their homes over the Baltimore and Ohio Railroad. A day or two later George W. Summers, James H. Couch, James W. Hoge and others left Richmond for their homes by way of Staunton and Lewisburg; and thus the membership from the Western part of the State was greatly reduced.<sup>18</sup>

#### 18. WEST VIRGINIANS EXPELLED FROM THE CONVENTION—VACANCIES FILLED.

As stated elsewhere, the State Convention at Richmond held one Regular Session and two Adjourned Sessions. The Regular Session began Wednesday, February 12, 1861, and ended July 1, 1861. The Second Adjourned Session began Wednesday, November 12, 1861, and ended December 6, 1861.

On Thursday, June 20, 1861, Alpheus F. Haymond, one of the Delegates from Marion County, West Virginia, and Chairman of the Committee on Elections and Privileges, presented a "Report in Relation to Absent Members" in which it was stated that this Committee "had come to the following conclusions and observations, to-wit:

*First*, As to the members of the Convention who are absent: Caleb Boggess, of Lewis county; Sherrad Clemens, of Ohio county; John Echols, of Monroe county; James W. Hoge, of Putnam county; Thomas Maslin, of Hardy county; Spicer Patrick, of Kanawha county; Edmund Pendleton, of Berkeley county; Burwell Spurlock, of Wayne county; Franklin P. Turner, of Jackson county; and Benjamin Wilson, of Harrison county, who have not as yet attended the Convention during its present session (the first adjourned session); some are in the field serving the State; some are detained on account of sickness, and others are absent from causes unknown to the Committee. It has not been able to ascertain that these members are absent from their seats by reason of disloyalty to Virginia or sympathy with her enemy.

*Secondly*, As to certain other absent members:—It appearing to the satisfaction of the Committee that William G. Brown and James C. McGrew, of Preston county; James Burley, of Marshall county; John S. Burdett, of Taylor county; John S. Carlile, of Harrison county; Marshall M. Dent and Waitman T. Willey, of Monongalia county; Chester D. Hubbard, of Ohio county; George McC. Porter, of Hancock county; Chapman J. Stuart, of Doddridge county; Campbell Tarr, of Brooke county; and John J. Jackson, of Wood county, elected members of this Convention, have been engaged in a conspiracy against the Commonwealth of Virginia, and are now engaged in aiding and abetting the open enemies of Virginia:—Therefore, **RESOLVED**, That the said William G. Brown, John S. Burdett, John S. Carlile, Marshall M. Dent, Waitman T. Willey, Chester D. Hubbard, John J. Jackson, George McC. Porter, Chapman J. Stuart and Campbell Tarr, be and they are hereby expelled from this Convention and that their seats be and are hereby declared vacant.

*Thirdly*, The Committee further report that James H. Couch, of Mason county; and George W. Summers, of Kanawha county, have resigned their seats; that elections to fill their vacancies have been held, but official information has not been received as to who is elected.

On motion, the Report was laid on the table, ordered printed, and the Committee instructed to report the testimony on which the Report was based. See Journal of the Convention. Vol. I, p. 257; and Documents No. XXVII, of the Convention.

On June 28th, the Resolution in the above Report came up for action. A division of the question was demanded and ordered. The next day the name of William G. Brown, of Preston county, was called and he was expelled by a vote of seventy-three yeas to eleven nays. Then James Burley and John S. Burdett were expelled the same day the vote standing eighty-five yeas; nays one. Next came the name of John S. Carlile who was expelled, the vote being eighty-two yeas; nays one. Then the seats of Marshall M. Dent, Ephraim B. Hall, and Chester D. Hubbard were declared vacant, John J. Jackson was expelled at the same time, the vote standing seventy-nine yeas and six nays. The question was then severally put on the Resolution so far as it related to James C. McGrew, George McC. Porter, Chapman J. Stuart and Campbell Tarr, and they were expelled. Mr. Haymond of Marion county, the chairman of the Committee, then moved that so much of the Resolution as related to Waitman T. Willey be recommitted to the Committee. This was on Saturday, June 29th, and on Monday, July 1st, the Convention adjourned to meet again on the 13th of November ensuing.

It reassembled at the time, this being the beginning of the second adjourned session. Three days later—November 16th—the Convention adopted the following resolution:

"*Resolved*, That Waitman T. Willey be and he is hereby expelled as a member of this body on account of his disloyalty to the Confederate States and his adherence to the enemies of the same" (See Journal of the Convention, Vol. I, p. 326.) Meantime, John N. Hughes, the delegate from Randolph county, had been killed in the Confederate army at the Battle of Rich Mountain, July 11, 1861.)



By the 20th of April a number of the returned delegates from the Northwest were narrating to great gatherings of interested hearers their recent experiences, and urging them to prepare for resistance of the Secession movement at the ballot-box, on the following 23rd of May. Now it was that there began a series of meetings which have no parallel in the history of our country, nor elsewhere, unless it be the citizen assemblies in the early days of the French Revolution; and this too, in a sparsely settled region where the facilities for convening were of the most primitive character.

At an immense mass meeting in Monongalia County, April 22d, at which Hon. Francis H. Pierpont and Hon. William G. Brown were the orators: it was resolved that:

The time had come when every friend of the Union should rally to the support of the flag of his country, and defend the same; that the people of Monongalia, regardless of past affiliations, hereby enter their solemn protest against the Secession of the State; and that they owed undying fidelity to the Union; and that they would cling to it despite

November 18th, Mr. Haymond reported Document No. 34, which provided for filling vacancies in the membership of the Convention. During the recess between July 1st and November 13th, elections were held in the Confederate military camps, from the West Virginia counties, in which there were vacancies, and the soldiers voted for successors to the members who had been expelled. Six soldiers from Marion county voted at the Court House in Richmond and elected a successor to Ephraim B. Hall. On the 19th of November the Convention adopted a Preamble and Resolution as follows:

*"Whereas* vacancies have occurred in the representation of the counties of Ohio, Brooke, Marshall, Marion, Monongalia, Preston, Taylor, Harrison and Wood, by the expulsion of the late delegates from the said counties; and in the Randolph-Tucker Delegate District by the death of John N. Hughes, killed in the battle of Rich Mountain.—

*"And Whereas,* These vacancies could not be filled in the mode prescribed by law, in consequence of the occupation of said counties by the public enemy—

*"And Whereas,* The Governor in order to provide for the exigency, issued a proclamation (advisory in its character) inviting the loyal citizens of those counties to vote in their respective camps for delegates to fill these vacancies. Under said proclamation, elections were accordingly held in several camps, at which elections Joseph H. Pendleton was chosen as the successor of Chester D. Hubbard of Ohio county; Joseph D. Pickett, to succeed Campbell Tarr of Brooke county; Jefferson T. Martin to succeed James Burley of Marshall county; Stephen A. Morgan as the successor of Ephraim B. Hall of Marion county; Jonathan M. Heck to succeed Marshall M. Dent of Monongalia county; Robert E. Cowan and C. J. C. Cresap to succeed William G. Brown and James C. McGrew, respectively, of Preston county; John A. Robinson to succeed John S. Burdett of Taylor county; William P. Cooper to succeed John S. Carlile of Harrison county; Edward D. McGuire as the successor of John J. Jackson of Wood county; and Jacob W. Marshall to succeed John N. Hughes of the Randolph-Tucker Delegate District.

*"Be it Therefore Ordained,* That said elections be and the same are hereby ratified, and the said Joseph H. Pendleton, Joseph D. Pickett, Jefferson T. Martin, Jonathan M. Heck, Robert E. Cowan, C. J. C. Cresap, Stephen A. Morgan, John A. Robinson, William P. Cooper, Edward D. McGuire and Jacob W. Marshall, are hereby admitted to seats in this Convention." This was adopted November 19th, by a vote of seventy-nine yeas to twenty nays. All occupied their seats:—Pendleton, Martin, Heck, Cowan, Cresap, Morgan, Cooper, Marshall and McGuire,—on November 20th; Robinson on the 27th; and Pickett on the 4th of December, ensuing.

On the 22d of November, the Committee on elections was instructed to inquire into the absence of Sherrard Clemens, a delegate from Ohio county; Benjamin Wilson from Harrison county; and Caleb Boggess from Lewis county; and report to the Convention whether such absence was due to their disloyalty to the State or Confederate States, and if so whether they should not be expelled.

November 29th, the Committee submitted a report stating that its members were satisfied that Sherrard Clemens and Caleb Boggess were absent from the Convention by reason of disloyalty to the Commonwealth of Virginia and the Confederate States; and should therefore be expelled from the Convention; that the Committee had no evidence of the disloyalty of Benjamin Wilson nor to explain his absence. This was laid on the table. December 4th, Franklin P. Turner of Jackson county, endeavored to secure action on this Report, but was unable to do so. Two days later it was again called up but action postponed. It was the last day of the Convention and the matter was nevermore heard of.



the efforts of the people of Eastern Virginia to precipitate them into the gulf of Secession, and consequent ruin.<sup>19</sup>

By a great mass meeting of the citizens of Wetzel County, at New Martinsville, April 22d, it was resolved:

"That Secession is not the remedy for the troubles so unfortunately resting upon our country, and we believe it would be for the interest of Virginia to remain in the Union, believing that our rights can be maintained in the Union, but that they will certainly be endangered out of it." *Further*, they resolved, "That the Union sentiment of this people is such that we pledge our votes against any act of Secession which would sever us as a State from the Federal Government."<sup>20</sup>

### THE CONVENTION AT CLARKSBURG IN HARRISON COUNTY—CALL FOR UNITED ACTION.

All had been independent action in the individual counties, but now they were to act together. It remained for a call for united action to go out from Clarksburg—the birthplace of Stonewall Jackson. There, on Monday, April 22d, 1861, nearly twelve hundred citizens of Harrison County convened in compliance with a call issued forty-eight hours previously. The Convention was organized by the election of John Hursey, as Chairman, and John W. Harris, Secretary. There were eminent speakers present, and great enthusiasm prevailed. Before adjournment, Hon. John S. Carlile, submitted the following preamble and resolutions which were adopted without a dissenting voice:<sup>21</sup>

#### PREAMBLE AND RESOLUTIONS.

WHEREAS, The Convention now in session in this State, called by the Legislature, the members of which had been elected twenty months before said call, at a time when no such action as the assemblage of a convention by legislative enactment was contemplated by the people, or expected by the members they elected in May, 1859, at which time no one anticipated the troubles recently brought upon our common country by the extraordinary action of the State authorities of South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, and Texas, has, contrary to the expectation of a large majority of the people of this State, adopted an ordinance withdrawing Virginia from the Federal Union.

And WHEREAS, By the law calling said Convention, it is expressly declared that no such ordinance shall have force or effect, or be of binding obligation upon the people of this State, until the same shall be ratified by the voters at the polls.

And WHEREAS, We have seen with regret that demonstrations of hostility, unauthorized by law, and inconsistent with the duty of law-abiding citizens, still owing allegiance to the Federal Government, have been made by a portion of the people of this State against the said Government.

And WHEREAS, The Governor of this Commonwealth has, by proclamation, undertaken to decide for the people of Virginia, that which they have reserved to themselves, the right to decide by their votes at the polls, and has called upon the volunteer soldiery of this State to report to him and hold themselves in readiness to make war upon the

19. See Hagan's "Erection and Formation of the State of West Virginia." p. 39.

20. See *Wheeling Daily Intelligencer*—April 25, 1861.

21. See J. H. Diss Debar's "Hand-Book of West Virginia," pp. 13, 14, 15. Also the *Wheeling Daily Intelligencer* of April 26, 1861.



Federal Government, which Government is Virginia's Government, and must in law and of right continue so to be, until the people of Virginia shall, by their votes, and through the ballot-box, that great conservator, of a free people's liberties, decide otherwise.

And WHEREAS, The peculiar situation of Northwestern Virginia, separated as it is by natural barriers from the rest of the State, precludes all hope of timely succor in the hour of danger from other portions of the State, and demands that we should look to and provide for our own safety in the fearful emergency in which we now find ourselves placed by the action of our State authorities, who have disregarded the great fundamental principle upon which our beautiful system of Government is based, to-wit: "That all governmental power is derived from the consent of the governed," and have without consulting the people, placed this State in hostility to the Federal Government by seizing upon its ships and obstructing the channel at the mouth of Elizabeth river; by wresting from the Federal officers at Norfolk and Richmond the custom houses; by tearing from the Nation's property the Nation's flag, and putting in its place a bunting, the emblem of rebellion, and by marching upon the National Armory at Harper's Ferry; thus inaugurating a war without consulting those in whose name they profess to act.

And WHEREAS, The exposed condition of Northwestern Virginia requires that her people should be united in action, and harmonious in purpose—there being a perfect identity of interests in times of war as well as in peace—Therefore,

Be it RESOLVED, That it be and is hereby recommended to the people in each and all of the counties composing Northwestern Virginia to appoint delegates, not less than five in number, of their wisest, best, and discreetest men, to meet in Convention on the 13th day of May next, to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency.

RESOLVED, That Hon. John S. Carlile, Waldo P. Goff, Hon. Charles S. Lewis, John J. Davis, Solomon S. Fleming, Lot Bowen, Dr. William Dunkin, William E. Lyon, Felix Sturm and James Lynch, be and are hereby appointed delegates to represent this county in said Convention.

JOHN HURSEY, President.

JOHN W. HARRIS, Secretary.

That evening, Mr. C. E. Ringler, editor and proprietor of the *Western Virginia Guard*, published at Clarksburg, issued an extra edition of his paper in which was printed an "Address of the Convention to the people of Northwestern Virginia." In this the foregoing "Preamble and Resolutions" were embodied. Messengers mounted on horse-back, bore copies of the *Guard* to Weston, Kingwood and Morgantown, and to adjoining and adjacent counties. Other copies were distributed along the lines of railroad westward to Wheeling and Parkersburg; eastward to Martinsburg, and even to the Lower Potomac. The time was short—but twenty days—the emergency great, and from Hancock County to Wayne and from Wood, to Berkeley, the people hastened to comply with the request of the Clarksburg Convention. Public meetings were held in counties, in cities, in towns, at churches, school-houses, and cross-roads, and delegates appointed to the proposed Convention at Wheeling. Days seemed weeks, but time passed and brought the eventful 13th day of May, 1861.



PROCEEDINGS  
OF THE FIRST CONVENTION OF  
THE PEOPLE OF NORTHWESTERN VIRGINIA AT  
WHEELING, VIRGINIA.<sup>1</sup>

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FIRST DAY.

(See Roll of Members at end of the Second Day's Proceedings.)

MONDAY, MAY 13, 1861.

FORENOON PROCEEDINGS.<sup>2</sup>

“The Convention of Delegates from twenty-seven Western Virginia Counties assembled in this city, at Washington Hall, yesterday at 11 o'clock. On motion of Chester D. Hubbard, Maj. William B. Zinn, of Preston county, was called to the chair. Hon. John S. Carlile, of Harrison County, conducted Mr. Zinn to the chair. Mr. Zinn returned thanks for the honor conferred upon him in appointing him temporary chairman of the Convention; craved the indulgence of the house, and said he would discharge the duties to the best of his humble abilities. (Applause.) George

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1. Hon. Granville Davidson Hall who was the stenographic reporter of the First and Second Conventions of the People of North Western Virginia in 1861, was born in Harrison County, now West Virginia, September 17, 1837. He received a liberal education and was early interested in literature. In 1859 he entered the employ of the *Wheeling Intelligencer*. In 1860 he was one of the Virginia State Electors on the Lincoln and Hamlin ticket. The following pages of this work give evidence as to the character of his work in reporting the Proceedings and Journals of the Conventions of 1861. He was the first clerk of the West Virginia House of Delegates, his term beginning June 20, 1863—the natal day of the State. In 1864, he was elected Secretary of State for the term of two years, serving from March 4, 1864, to March 3, 1867. He declined a re-election, having with Hon. William P. Hubbard, purchased a half-interest in the *Intelligencer* of which he was Editor-in-Chief for five years. In September, 1873, he removed to Chicago, Illinois, and is now residing at Glencoe, that State. He is the author of several literary works—that of greatest historic interest being “The Rending of Virginia,” published in 1902.

—V. A. L.

2. It has been stated that this was a Mass Convention. This is not true. The members were chosen as delegates by the people of their respective counties in compliance with the “Call” sent out from Clarksburg. In Wood county and, perhaps, one or two others, it was resolved that any good Union men therefrom, present at the Convention, should be delegates therein. On the first day a Committee on Credentials was appointed, Andrew Flesher, a delegate from Jackson county, being Chairman thereof. At three o'clock this Committee reported duly accredited delegates from the counties of Hancock, Brooke, Ohio, Marion, Monongalia, Harrison, Preston, Wood, Ritchie, Lewis, Upshur, Gilmer, Wirt, Jackson, Mason, Wetzel, Pleasants, Barbour, Hampshire, Berkeley, Taylor, Tyler, Doddridge, Roane, Frederick, and Marshall—twenty-six in all. The total vote by counties for President at the last election was made the basis of representation.—V. A. L.

R. Latham, of Taylor, was appointed temporary secretary. On the suggestion of General John J. Jackson,<sup>3</sup> of Wood county, Rev. Peter T. Laishley, a delegate from Monongalia County, offered a prayer. In the course of his prayer he said:

"May the Almighty grant that the stars and stripes of the flag of our country, ever wave over all this land, from the Atlantic to the Pacific, and from Maine to the Gulf of Mexico. O! may those who would plunge us into the horrors of civil discord be overreached by the omnipotent arm of Almighty God. O! do Thou grant, we pray Thee, that this Convention, met here for the purpose of consulting upon the best interests of our own beloved Virginia, may act promptly, decisively and harmoniously. May it act with reference to peace principles and the universal happiness of our citizens and the country at large."

GENERAL JACKSON, of Wood county, then moved that any gentleman who was present from any county of Northwestern Virginia, be received as a delegate for such county, and be invited to take a seat on the floor of this Convention.

JOHN S. BURDETTE, of Taylor county, moved to amend by including gentlemen from the Shenandoah Valley.

HON. JOHN S. CARLILE said he trusted that it would be the pleasure of his friend from Wood to withdraw the proposition. "I would defer upon any and all occasions to his better judgment, where there was a doubt upon my own mind; but, sir, I trust that this is to be a deliberative body; I trust that it is to be a body composed only of gentlemen who come clothed with the authority conferred upon them by the people of their counties when they appointed them. I would not wish to prevent any gentleman from Northwestern Virginia, or anywhere else, from taking a seat on this floor, or from listening to the deliberations of this body; but I desire, whatever act may be performed here by this Convention, shall be sanctioned by the authority of the people. In my county, at least, they selected the men to whom they entrusted the

3. There were two delegates of the name of Jackson on the Wood county delegation. These were General John Jay Jackson, and John J. Jackson, Jr. The former was the father, the second the son. General Jackson was born in Wood county, February 12, 1806, and educated at Clarksburg, and in Washington College, Pennsylvania; then became a cadet at West Point, from which he was graduated July 24, 1818; commissioned Second Lieutenant in the Regular Army and served at Norfolk, Virginia, and then in the Fourth Infantry in the Seminole War. In 1823 he entered upon the profession of law, locating at Parkersburg. Because of his military training he was long connected with the military establishment of Virginia; and in 1842, was commissioned Brigadier-General of the Twenty-third Brigade. He died at Parkersburg January 1, 1877. His son, John Jay Jackson, Jr., was born at Parkersburg, August 4, 1824. Appointed by President Lincoln a Judge of the Federal District of Western Virginia in 1861; and of the new District of West Virginia in 1863; he continued to serve in this capacity for nearly forty-three years. His name will long be an honored one in the judicial history of the State. V. A. L.



high and important interests which they believed to be involved in the call of this Convention. I trust, therefore, the motion will be withdrawn, and the first thing we will do will be to provide for a permanent organization of this body, by the appointment of a Committee on Credentials, who will report to the body those gentlemen who are really the representatives of the people."

GENERAL JACKSON said he would with pleasure adopt the suggestion of Mr. Carlile, but he could not see the force of it, but thought it would be difficult to discover who the real representatives of the people were. "It may be that there has been a lot of individuals at the Court Houses who may have acted on the nominations of those who have been sent here. He said, on behalf of the delegation from Wood county, that they were prepared to take the responsibility of acting as delegates, though they were not appointed as such." He had no doubt "the gentlemen had been sent here by a proper and responsible body, but if we are to take great and momentous action let us have our whole people with us. Let us take solemn deliberation, and reach a conclusion we will be able to stand by in the hour of triumph." He declined to withdraw the proposition.

MR. CARLILE said, in reply: "I regret exceedingly that I am compelled, as the gentleman refused to withdraw the motion, to appeal to this body to vote it down. It is unfortunate, sir, that at the very threshold of our proceedings there should be a division of sentiment exhibited, and if I did not conceive that the adoption of this motion would prove fatal to every step we may hereafter take, I should certainly have remained quiet in my seat. I do not go upon presumptions. Mr. Chairman, I am here by the voice of the legal qualified voters of my county, greater than was given to me at the polls on the 6th day of last February, at the election for delegates to the Virginia Convention. All my colleagues are here by the same voice and power. No Court House cliques in my county sent delegates here. It is the Court House cliques that have thus far brought this good old State to the very brink of ruin; and has it now bristling with bayonets from the Chesapeake to the Blue Ridge, and across to the mountains of the Alleghenies. Sir, I look upon this body as possessing all the power it could possess if it were a legislative body, elected under the forms of law—and who ever heard of a legal deliberative assembly being composed of gentlemen who may happen to be present from the various counties in the State in which they reside? Sir, we want a

deliberate body. We came here as the accredited representatives of the loyal people of Virginia, and we intend, I trust, before we go away as such, sent here by such a voice and power, to put our feet upon the usurpations of power that have been exercised in the last two weeks. I trust it will be the pleasure of the Convention to proceed (applause) as a deliberative body, and that none will act in this body save and excepting those who have been sent here by their people. Our fellow-citizens who are here can occupy the rear of the hall, and they can see what is going on and give us the benefit of an outside pressure, as has been done elsewhere for our injury and enslavement." (Applause.)

GENERAL JACKSON wished to ask a question—How are we, said he, to ascertain who are the accredited members of this Convention?

MR. CARLILE. "My answer is this—When we get a permanent Chairman and Secretary, we will appoint a committee who will tell us."

MR. JACKSON. "Until there is some authority to appoint a President, there can be no President. I do not know that I am a member here. When you go into a Convention you appoint a Committee on Credentials—but can they devise any plan to find out whether I am here by authority or not? I am a citizen of Northwestern Virginia, and thought my friends here would be glad to see me. There can be no legal means whatever to determine by what authority a gentleman can be here. I wish to include all the gentlemen who are here from any counties in this part of the State, and also from Frederick and Berkeley counties." Mr. Jackson referred to the precedent set by Rucker, in the Convention that nominated Polk.

MR. CARLILE said that the illustration given by the gentleman was a most unfortunate one. I hope the gentleman does not desire to Ruckerize this Convention, as he will do if his proposition is adopted by this body.

MR. JACKSON said he spoke of the Rucker case as a precedent.

MR. CARLILE said: "We are proceeding here without anything like order. You do not know who is here. There may be 'a chiel amang you takin' notes.' I trust the same disorder will not be persisted in, but that the legal and parliamentary precedents, which have been resorted to in England, in this country, and in all countries where deliberative bodies have assembled, will be followed by this Convention. There are gentlemen here who



have served in the Legislature of our own State, and gentlemen who have been in Congress, and those who have been in the Conventions of our State, and is there one who has had any parliamentary experience that does not know that the suggestion that I indicated, and trusted would be acted upon by this body, is the precedent that has always been followed. You meet and, for the mere purpose of calling the body to order, put some one in the chair. The next step is to elect a permanent presiding officer and secretary, whose business it is to record your proceedings, and who is responsible for them. The next is to appoint a Committee on Elections, and that committee reports to the body who are entitled to seats in it. I trust we shall follow this precedent here, and that the grave authority that always clothes every deliberate body will clothe this one. I may be enthusiastic—I may be ahead of the times, or I may be behind the times,—but I believe, as much as I believe in the existence of a God, that our own salvation, and it may be the salvation of our whole country depends on the deliberations of this body, and its action, and I want it to go abroad all over the land, with every sanction of our people, and with all the prestige that parliamentary usage can give it.”

JOHN J. JACKSON, Jr., of Wood, made some remarks, favoring the proposition of General Jackson. He knew counties where meetings had been held appointing any good Union men as delegates who might happen to be present at the Convention. Such had been the case in Wood county, and said the adoption of the suggestion of Mr. Carlile would disfranchise all the gentlemen from Wood.

MR. CARLILE said the proceedings of the meeting in Wood would be before the Committee on Credentials, and whoever the Committee appoints as delegates will be entitled to seats on the floor.

MR. JACKSON made some further remarks in favor of the proposition, saying that he did not understand that the Convention was here for the purpose of forming a Provisional Government, but for deliberation and conference.

MR. CARLILE again replied, urging that the deliberations of the Convention should be conducted in order, and in accordance with the usual forms and precedents of such bodies. “Have we merely met here,” he continued, “to consult and adjourn and go home. If this is true, I have no further interest here. The people whom I represent expect that we will never adjourn till their

safety is secured beyond a doubt in the Union and under that flag (cheers). If we temporize now and consult and adjourn to come back here again, before that day arrives, you will have sworn allegiance to the rattlesnake flag. That is the true condition in which we are now placed." Mr. Carlile continued at some length to speak of the urgency of instant action.

MR. PIERPONT, [Francis H.] of Marion, made some remarks in a general way, and concluded by suggesting to General Jackson the propriety of withdrawing his motion, to make room for another, a Committee on Credentials to be appointed of one from each county, and let the delegation report to that Committee the delegates from the counties, and when we vote upon resolutions it will be on the basis of the population of the counties.

GENERAL JACKSON said he had no sort of objection, but according to the proposal of the gentleman from Harrison, all those delegates not formally appointed would be excluded. A convention such as that gentleman wanted would not have such an effect as it would to admit the mass of those who had come here as citizens rather than as delegates. It would not look so much like an upheaving of the people.

After some further running debate between Messrs. Carlile, Jackson and others,

MR. BURDETT, of Taylor, said he for his part did not come here to talk. He came here for action. "While we are talking the chains have already been forged for us, and the bayonets are threatening invasion. In my town of Grafton, Letcher has ordered his troops to rendezvous. I tell you it is no time to debate and evince feeling. I trust there will be no more of this, but calm, solemn, stern deliberation, and a resolve to do what is right to defend and protect ourselves. Let us act and go back to our counties."

After some remarks by Mr. Tarr, of Brooke, Chester D. Hubbard, of Ohio county, moved that a committee, composed of one member from each county represented on this floor, be appointed, to whom shall be referred the subject of representation; and also the nomination of permanent officers for the Convention, which motion was adopted and the committee appointed.

MR. SENSENY, of Frederick, said he had come up through the dangers that environed a Union man in his part of the State, and he would be glad to be permitted to act as a delegate from that county, although not formally appointed.



On motion of GEORGE H. KIDD, of Preston,

RESOLVED, That the Convention adjourn till 3 o'clock P. M., and in the meantime each delegation from the different counties represented here shall report to the President one of their number, who shall represent them on the Committees on Representation and Permanent Organization.

On motion, it was ordered that each delegation from the respective counties meet as soon as possible, to consult as to the selection of members of the Committees.

The Convention adjourned to meet again at 3:00 P. M.

#### AFTERNOON SESSION.

*3:00 O'Clock P. M.*

The Convention reassembled at the appointed hour, and Mr. Flesher of Jackson county, Chairman of the Committee on Representation and Permanent Organization, submitted the report of that Committee partially as follows: The nomination for permanent President, Dr. John W. Moss, of Wood County, a list of Vice Presidents, the names of whom the reporter was unable to procure; and Secretaries, Colonel Charles B. Waggener, of Mason; Marshall M. Dent, of Monongalia, and Gibson Lamb Cranmer,<sup>3</sup> of Ohio county.

The Committee asked to be allowed further time for the consideration of the credentials of members.

On motion, the report as far as made was adopted.

On motion of MR. CARLILE, Messrs. Pierpont of Marion and McNeal [McNeeley?] of Monongalia, were appointed a committee to conduct the President to the chair.

DR. MOSS, on taking the chair, said: "Permit me to express my grateful acknowledgments for the very distinguished honor you have conferred upon me in selecting me to preside over the deliberations of this highly respectable body. It is hardly necessary for me to say that the occasion which has called us together is one of no ordinary character.

"We have met for the purpose of considering the unhappy condition of our country, and particularly of deliberating calmly and dispassionately upon the position Northwestern Virginia should assume in this momentous crisis of our country's history.

3. This name appears as Chandler, but it is an error. The name should be that of Gibson Lamb Cranmer.—V. A. L.

"Pardon me for saying, gentlemen, that the destinies of thousands are involved in the result of your action here, and permit me, therefore, to express the hope that your deliberations will be conducted with that solemnity befitting the occasion, and that they will be characterized by that harmony and conciliation so necessary to the success of any movement that may be inaugurated by this Convention. I again thank you, gentlemen, for the honor you have conferred upon me."

On motion it was ordered that the Clergymen of this city, be requested to alternate in opening each day's session of this Convention, with religious exercises.

MR. BURDETT moved the appointment of two Door-Keepers, and a Sergeant-at-Arms. And on motion of Mr. Pierpont, the Committee to Superintend the Hall, was requested to make the selection.

The following gentlemen were appointed: Sergeant-at-Arms, James R. Ewing; Door-Keepers, A. Clemens and R. Higgins.

MR. CARLILE offered the following resolution:

That when this Convention adjourns to-day, it adjourn to meet on to-morrow, and on each succeeding day while in session, at 10 o'clock A. M.

On motion of General Jackson, the resolution was amended by adding, "to adjourn at 12 o'clock M., and reassemble at 2 o'clock P. M.," and as amended was then adopted.

MR. WILLEY (of Monongalia), offered a resolution similar in purport to the one offered by Mr. Tarr, (of Brooke), relative to the appointment of a Committee on Federal Relations, and laid on the table previously, but no action was taken.

GENERAL JACKSON, of Wood, obtained the floor for the purpose of defining his position which he did in a speech of such great length as to preclude the possibility—together with the lateness of the hour of the adjournment, of giving a report of it here. He was opposed to the Convention taking any definite or decisive action; thought it would be premature, and would be revolutionary and altogether unwise. He was in favor of the Convention passing a series of resolutions expressive of its sense of the wrongs of the Northwest, and their adjourning at least until after the election, and urged that meanwhile the counties should be canvassed to defeat the Ordinance of Secession.—When this had been done and every peaceable method of defense exhausted he would then go in for a division of the State. He characterized the policy



indicated by Mr. Carlile as calculated to place the North-West at once in the midst of a civil war. He believed we might, after a while, and by going about it in the right way, effect a peaceable division of the State, but he urged that the people of the interior counties were not ready for it yet.

MR. BURDETT interrupted at one point and asked—supposing in the mean time, while thus waiting, Letcher should throw his troops into this part of the State to intimidate the Union men and carry the election by violence and force, as they will do in the East, what he proposed to do in such a case. “We must meet this emergency now,” said Mr. Burdett. (Applause.) “Are we to wait till a military despotism pervades our country from one end to another, and freemen’s mouths are closed and you threatened with ropes around your necks?”

After Mr. Jackson had concluded his address, Mr. Carlile replied at some length. He said that if he had supposed the deliberations of this body were to be limited to the adoption of a few paper resolutions, he should not have endured the fatigue, and passed the many sleepless nights, and expended the hundreds of dollars he had for the furtherance of what he supposed would be the action of this Convention—in furtherance of the efforts that are necessary to maintain the liberties of a patriotic people. (Applause.)

“Need my friend from Wood, be informed that the day has gone by for plunging the people of the Northwestern part of this State into revolution, as he terms it. We are already in a revolution, not by our own act, but that of the usurpers of the people’s power sitting in dark conclave at Richmond. I presume it was the mission of this body, to devise such measures as would protect us from the consequences, which must inevitably flow from that usurpation. (Applause.) We are the only portion of this State, that is not now under a military despotism. The order has gone forth and is even at this hour being executed, by which we are to share the same fate that has been imposed on other portions of the State. The soldiers have been ordered to rendezvous at various points in this part of the Commonwealth.

“No people ever remained free, or ever will, that were not willing to spill their last drop of blood for the maintenace of their liberty. No people who contented themselves with paper resolves while bayonets were bristling all around them, and war had been brought up to their very doors as rapidly as it could be, ever maintained

their freedom in this way. Show yourselves worthy to be free; and while I am not a professor of religion, yet I have the confidence which a pious mother instilled into me to believe that the Almighty, Who seems to be distrusted now, will come to our aid and protect us in our freedom.

“Sir, when has there ever been in the whole records of the past such an utter contempt, on the part of any despot, for the people, as has been exhibited here in what was once free Virginia, by the Richmond Convention? You determine at the polls, by a vote of more than 50,000 of a majority, that no act of that Convention could change your relations with the Federal Government without first being submitted to you; and before even the Ordinance is passed, they place you in hostility to that Government.”

He proceeded to show in answer to what General Jackson said about canvassing, that in many counties such a thing was not permitted, as in many counties even in the Northwest, the military was in the hands, and under the control of Letcher; and Union meetings were broken up, and Union speakers not allowed to address them.

GENERAL JACKSON wished to know how prompt action would overcome the difficulty.

MR. CARLILE—“Let this Convention show its loyalty to the Union, and call upon the government to furnish them with means of defence, and they will be furnished. (Applause.) There are 2,000 Minnie muskets here now (Cheers); and more on the way, thank God. (Cheers).”

“I went on last Tuesday, after an absence of twelve days from home, without ever stopping there, to Lewis county, where they have been under a system of intimidation; and despite the threat of arms and mob, and the charge of the judge to hang me for treason, I addressed that people and they are represented here to-day, and if they are not intimidated they will give 1,000 majority against the ratification of the ordinance of secession.

“Let us act; let us repudiate these monstrous usurpations; let us show our loyalty to Virginia and the Union; and let us maintain ourselves in the Union at every hazard. It is useless to cry peace when there is no peace; and I for one will repeat what was said by one of Virginia’s noblest sons and greatest statesmen, “Give me liberty or give me death!” (Great and continued applause.)

The Committee on Credentials then made their supplemental report, showing duly accredited delegates from the counties of



Hancock, Brooke, Ohio, Marion, Monongalia, Harrison, Preston, Wood, Ritchie, Lewis, Upshur, Gilmer, Wirt, Jackson, Mason, Wetzel, Pleasants, Barbour, Hampshire, Berkeley, Taylor, Tyler, Doddridge, Roane, Frederick, and Marshall; and reporting the following resolutions:

*"Resolved*, That the President be authorized to present cards of admission, to the floor of this Convention, to such citizens from other parts of the State now in attendance, as sympathize with the objects of this Convention, and are good and true friends of the Union.

*"Resolved*, That each member of this committee present to the secretaries of this Convention a fair list of the delegates now in attendance from the county represented by such member in this Convention.

*"Resolved, further*, That the vote of the Convention upon any question when demanded by twenty-five members shall be taken by giving to such county the aggregate vote cast by such county at the last Presidential election; such vote to be given by the chairman of the county delegation. On all other questions the vote shall be taken *per capita*."

MR. TARR, of Brooke, then offered the following resolution, which was adopted:

*"Resolved*. That a committee of one member from each county represented here be appointed by the President as a Committee on State and Federal Relations, to whom shall be referred all resolutions of this body looking to action by the Convention."

The following is the Committee appointed by the President in accordance with the foregoing resolution:

Campbell Tarr, Brooke; Waitman T. Willey, Monongalia; John S. Carlile, Harrison; General John J. Jackson, Wood; Charles Hooton, Preston; Daniel Lamb, Ohio; George McC. Porter, Hancock; Jos. S. Machir, Mason; Daniel D. Johnson, Tyler; James Scott, Jackson; George W. Bier, Wetzel; R. C. Holliday, Marshall; Alexander Scott Withers,<sup>4</sup> Lewis; E. T. Graham, Wirt; F. H. Pierpont, Marion; Spencer Dayton, Barbour; George S. Senseney, Frederick; John S. Burdett, Taylor; A. R. McQuilkin, Berkeley; Friend Cochran, Pleasants; Irwin C. Stump, Roane; S. Martin, Gilmer; C. P. Rohrbaugh, Upshur; Capt. Owen D. Downey, Hampshire; A. J. Foley, Doddridge.<sup>5</sup>

MR. WILLEY, of Monongalia, being entitled to the floor, proceeded to deliver a speech of great length, which for reasons already enumerated, we are compelled to omit. He occupied substantially the same grounds taken by General Jackson, and was followed by Campbell Tarr, of Brooke, who reviewed his positions and those of Jackson with a good deal of severity. He declared boldly for the position taken by Mr. Carlile; that the time for compromise

4. Author of "Chronicles of Border Warfare," published at Clarksburg, Western Virginia, in 1831.

5. A. J. Foley was incorrectly credited to Ritchie. He was certainly a delegate from the county of Doddridge.—V. A. L.

and talk had passed; that now nothing but decisive and prompt action could avert the impending dangers. This was the time to strike, and he knew a response to that declaration would come up from the entire valley of the Ohio to the Alleghenies.

The Convention then adjourned.

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## THE SECOND DAY,

TUESDAY, MAY 14, 1861.

### FORENOON PROCEEDINGS.

The Convention assembled at 10 o'clock Tuesday morning, according to adjournment. The religious exercises of the morning were conducted by Rev. Wesley Smith.

The minutes of the previous day's proceedings were read by the Secretary. At the suggestion of Mr. Carlile, the county of Frederick was stricken from the list of counties which had accredited delegations on the floor, as enumerated by the report of the Committee on Credentials. It would place the gentleman from Frederick in an unpleasant position; and it would appear to the country, if he were admitted here as a fully accredited delegate, without having been appointed as such by any meeting, that perhaps the rest of the delegations were here in the same unauthorized way.

The CHAIR stated that he has issued a card of admission, under the resolution of the Committee on Credentials, to the gentleman from Frederick.

Some other amendments were made to the minutes, and they were adopted.

MR. LAZIER, of Monongalia, hoped the Convention and those outside the bar would refrain from any expressions of applause or disapproval, during the sittings of the Convention.

MR. WILLEY rose to a privileged question. He had been, it seemed, misunderstood in his remarks last evening defining his position. He had been understood to say that his view of the proper course of the Convention was, that it should adjourn until after the ensuing election, without taking any action whatever. He had intended to say that he differed from Mr. Carlile in the views that gentleman entertained in regard to the proper course



to be pursued here. Nevertheless he wished to declare a distinct and unequivocal position in condemnation of the usurpation at Richmond, and lay down a platform upon which to organize the public sentiment for a separation of the State. He said further, that previous engagements would necessarily call him away from the Convention to-morrow, and he would have to ask to be released from his position in the Committee on State and Federal Relations.

MR. WILLEY was released with the understanding that he continue to serve while present.

GENERAL JACKSON moved that the Convention adjourn till 2 o'clock, P. M., when the Committee will probably be able to report, with the understanding that if the Committee cannot report then this body stand adjourned till 5 o'clock P. M..

COLONEL WHEAT, (James S.,) of Ohio, asked the gentleman to withdraw his motion a few minutes till he could have an opportunity to read a few resolutions. He then read the following, which were afterwards referred to the Committee on State and Federal Affairs:

#### MR. WHEAT'S RESOLUTION.

"1. *Resolved*, That in our deliberate judgment the ordinance passed by the Convention of Virginia on the 17th day of April, 1861, commonly known as the ordinance of secession by which said Convention undertook in the name of the State of Virginia, to repeal the ratification of the Constitution of the United States of America, by this State, and to resume all the rights and powers granted under said Constitution, is unconstitutional, null and void.

"2. *Resolved*, That the schedule attached to said ordinance suspending and prohibiting the election for members of Congress from this State, to the House of Representatives of the Congress of the United States, required by law to be held on the 4th Thursday of this month, is a manifest usurpation of power, to which we as Virginia freemen ought not, cannot, and will not submit.

"3. *Resolved*, That the Convention of the 24th of April, 1861, between the Commissioners of the Confederate States and this State, and the ordinance of the 25th of April, 1861, approving and ratifying said Convention, in agreement by which the whole military power and military operations, offensive and defensive of the Commonwealth, were placed under the chief control and direction of the President of the Confederate States, upon the same principle and footing as if the Commonwealth were now a member of said Confederacy, and all the actings and doings of the executive officers of our State under and in pursuance of said agreement are plain and palpable violations of the Constitution of our State, and are utterly subversive of the rights and liberties of the good people thereof.

"4. *Resolved*, That it be earnestly recommended to our fellow-citizens of this State, at the approaching election to vindicate their rights as Virginia freemen by voting against said ordinance of secession, and all other measures of like character, so far as they may be made known to them.

"5. *Resolved*, That it be also urged upon them to vote for members of Congress of the United States, in their several districts, in the exercise of the rights secured to us by the Constitution of the United States, and of Virginia.

"6. *Resolved*, That it be also recommended to the citizens of the several counties to vote at said election for such persons as may entertain the opinions in the foregoing resolutions, as members of the House of Delegates of our State.

"7. *Resolved*, That it is the imperative duty of our citizens to maintain the Constitution and the laws thereof, and all officers there-under acting in the lawful discharge of their respective duties.

"8. *Resolved*, That in the language of George Washington in his letter of the 17th of September, 1787, to the President of Congress: 'in all our deliberations on this subject we keep steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our property, felicity, safety and perhaps our national existence.' Therefore we will maintain and defend the Constitution of the United States and the laws made in pursuance thereof, and all officers acting there-under in the lawful discharge of their respective duties."

These resolutions were referred to the Committee on Federal Relations.

MR. CARLILE then with a view of harmonizing and ascertaining the sentiments of the Convention, he had drawn up a resolution which he desired to submit, and to accompany with some few remarks by way of explanation. He understood, he thought, one thing at least, that it was the unanimous determination of this body to consent under no circumstance, to their transfer to the so-called Southern Confederacy. The only diversity amongst them was as to the means of resistance—the means by which this determination could be made effectual. Of course the proposition he should submit would come with no authoritative expression of opinion, but just as if emanating from any other of the body. It was, however, the result of many long, well-considered and well-matured opinions and convictions. He would add that they were given shape and form this morning, after a night spent without sleep. He then read the resolution as follows:

#### MR. CARLILE'S RESOLUTION.

"*Resolved*, That the Committee on State and Federal Relations be instructed to report an ordinance declaring that the connection of the counties in this State composing the Tenth and Eleventh Congressional Districts, to which shall be added the county of Wayne, with the other portions of the State is hereby dissolved, and that the people of the said counties are in full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State in the United States and subject to the Constitution thereof; and that the said committee be instructed to report a constitution and form of government for said State, to be called the State of New Virginia; and also that they report a declaration of the causes which have impelled the people of the said counties thus to dissolve their connection with the rest of the



State, together with an ordinance declaring that said constitution and form of government shall take effect and be an act of this day when the consent of the Congress of the United States and of the Legislature of the State of Virginia is obtained, as is provided for by section 3, Article 4 of the Constitution of the United States."

MR. CARLILE then proceeded with his explanation, when

MR. WHEAT called him to order. He raised the point of order that every proposition like this must be referred to the committee without debate or further explanation.

MR. CARLILE replied that they had adopted a resolution in the Richmond Convention by which all resolutions touching federal relations were to be referred "without debate," as the resolution said. And yet, they were engaged for weeks in the discussion of resolutions of instruction to that committee. This is a resolution of instruction, and even if it were but of inquiry, the resolution adopted yesterday does not prevent debate on it. There were very good precedents for the course he proposed.

MR. WILLEY read the resolution creating the Committee on State and Federal Relations, and said the first business was to refer the resolution to that committee.

MR. CARLILE replied that his resolution contemplated a reference to that very committee. The ultimate action of this body of course takes place after the report of that committee.

MR. WHEAT regretted that his friend from Harrison should try to forestall the action of the Convention. The resolution instructed the Committee to make a specific report involving questions of great magnitude. It instructs the Committee to report an ordinance to establish an independent government within the State of Virginia. He presumed the Convention was not unprepared to meet that question but this was not the proper mode by which to do so.

MR. CARLILE said: "With a view to conciliation and harmony, I am perfectly willing to put it in the shape of a resolution of inquiry."

MR. WHEAT. That will do.

MR. JACKSON said the resolution ought to be referred. He had intended to move an adjournment, but had given way in order that the gentleman (Mr. Wheat) might read his resolutions. If this proposition was to be entertained a moment, he would take his hat and leave the hall, and the delegation from Wood would go with him. He insisted that his motion to adjourn should be put.

MR. CARLILE said the motion to adjourn had been withdrawn and was not in order, and besides it would be the grossest injustice not to permit him to explain the motives he had in offering his resolution.

GENERAL JACKSON objected, and insisted that his motion to adjourn was in order.

The CHAIR said it was his opinion that no debate upon any proposition looking to the definite action by the Convention was in order until the Committee on State and Federal Relations had reported.

MR. CARLILE. Then I appeal from the decision of the Chair.

GENERAL JACKSON. It is not in order.

MR. CARLILE. The question of order decided by the Chair is not the question before the committee. My resolution as I said is merely one of inquiry. I merely wish to explain.

The CHAIR. He has the right to explain the resolution to be submitted to the committee.

MR. CARLILE: "Mr. President, it is due to me, due to the correct understanding of the country, and due to the position I occupy before the country, that I shall be allowed to make this explanation. It is represented that a proposition looking to a separate State government is revolutionary in its character. I deny it. It is the only legal, constitutional remedy left this people if they do not approve the action of the Virginia Convention.

"I, like the gentleman from Monongalia, desire to exhaust all the legal and peaceable remedies before ever we are compelled to the *ultima ratio* of nations. But is there, can there be, anything revolutionary in availing ourselves of the constitutional means provided in the organic law of the land, for the very purpose of protecting our interests? Is it possible that a gag law is in force, and that thought and freedom of speech have ceased to exist in this once free land? Is it revolutionary or illegal to discuss the propriety of availing ourselves of a constitutional right? The Constitution of the United States, which is also the Constitution for Virginia; which is the supreme law of the land; which is to be obeyed and respected by all, even by the Constitutions of the several States—which makes null and void every constitutional provision of a State, and every legislative enactment which is in conflict with that instrument—and is there a man here that needs to be told it that the Constitution of the United States provides ex-



pressly and in terms plain and unmistakable for the separation of a State and the erection of a new State within the boundaries of a State out of which a new State is to be formed? If that be true, and no man can deny it—if there be such a provision in the Constitution of the United States, pray tell me where is there anything revolutionary in discussing and deliberating and exercising a privilege thus secured to them by that instrument? I desire once for all to say to gentlemen, they are endeavoring to evade the issue by attempting to alarm the fears of men by stigmatizing the exercise of a plain and constitutional right as revolutionary. It is a peaceful, legal, constitutional remedy secured to us by the same instrument which secures freedom of speech and the right of trial by jury. Nor is there anything in this right inconsistent with what gentlemen are pleased to term their ‘allegiance’ to either the State or Federal Government. There is no treason, as gentlemen would endeavor to impress. There is no perjury in it, as they have attempted to assume. Sir, you may swear to support the Constitution of your State and the Constitution of the United States, but is it a violation of your oath to exercise a plain constitutional right secured to you in the very instrument and by the very instrument you swear to support? Therefore do I beg members of this Convention to weigh well all arguments that may be addressed to their fears. He who takes counsel from his fears is ill fitted for the emergency in which this people is now placed. (Applause.)

“But it has been said that this Convention was called here alone for consultation. Sir, it happens to be my pride that I had the honor to draw up the preamble and resolutions which were adopted by the meeting in my county and which have resulted in the bringing together of this Convention. Now let us see what was contemplated in our assembling here. Every meeting held, and which has appointed delegates here, has been held in response to those resolutions. Those resolves, among other things, say that this Convention was called ‘to consult and *determine upon such action* as the people of Northwestern Virginia should take in the present fearful emergency.’

“That is the call, and such is your duty. It contemplated ‘action’ that would keep us in the Union, and would preserve to us and to our children and to all posterity, the liberties achieved by the illustrious dead.

“It is said we are not prepared to take action. Sir, when will we be better prepared? If this action be our constitutional right,

who will dare to say that anywhere within the limits of this Union, any man is authorized to resist such action? Who dare to say that this remedy can be exercised only by virtue of force? Sir, all the privileges of freemen may be attempted to be suppressed by bad men, and will be, if they can, and if we have not the nerve and courage to repel such force and sustain ourselves in our constitutional rights.—And, sir, there is no more reason why action on the part of this Convention, looking to a separation from another portion of the State, under the Constitution and laws of the land, should not be taken, than there is to resist, by force, the assertion of any other constitutional right. But those who would endeavor to alarm us and deter us from entertaining, and considering, and exercising this right by terming it revolutionary, make the assertion with nothing on earth to sustain it, that we are not in a state of preparation. Sir, we will never be in a state of preparation if we are not now. What means of defense or protection are we likely to have within the next six or twelve months that we have not to-day.”

MR. WHEAT called Mr. Carlile to order.

MR. CARLILE. The gentleman will reduce his objections to writing.

MR. WHEAT, after having done so: The gentleman from Harrison by extending his remarks beyond what is known as an explanation is arguing the merits of the proposition contained in his resolution and opening the door to general debate, and denying all other members the right to reply to his arguments, thus forestalling the independent action of the Committee.

MR. CARLILE had understood the Chair to say if he confined himself to an explanation he was in order. He had been explaining the first and most important branch of his resolution, which is the peaceful constitutional right of this separation, as I have shown by authority. Any gentleman had the same right to discuss the question that he had.

The CHAIR said that any general debate was out of order until the Committee on State and Federal Relations had reported, but the gentleman had a right to make an explanation. The Chair thinks though he is now out of order.

MR. CARLILE. “I will try to confine myself to an explanation. I desire to say that this resolution does not contemplate that all action shall be deferred until the country gets into a better



state of preparation' than now; and I desire to put the inquiry to the Convention, when will we be better prepared to avail ourselves of this constitutional right than now? *After the 23d of this month it will not be a Constitutional right.* We will have been transferred to the Southern Confederacy, and the Constitution of the United States, under the theory of those who advocate this doctrine of withdrawing from the Union at will, will no longer shield and support us; the soil upon which we stand will be no longer the soil of the United States; and if every member of the Legislature of Virginia, and every man, woman and child in the State were willing for our separation, the separation could not be made without the consent of the Montgomery government, and that could only be obtained by treaty, and negotiations by ministers on the part of the two hostile governments, as they are now, and as they may remain. And no treaty negotiations can ever be had until the hostility ceases, and the Southern Confederacy is recognized by the Government of the United States. This is where we"—

MR. LAZIER, of Monongalia—It would certainly be better to leave the discussion of this until the report of the Committee.

The CHAIR said he felt compelled to arrest the discussion now.

GENERAL JACKSON claimed the floor. He insisted that his motion to adjourn had precedence. Mr. Carlile, he said, was out of order.

MR. CARLILE then appealed from the decision of the Chair, but subsequently, for the sake of harmony, as he said, withdrew the appeal, and gave way for the motion to adjourn.

GENERAL JACKSON withdrew his motion to adjourn, and on his motion it was ordered that all gentlemen who had propositions to submit to the committee on State and Federal Relations, be requested to hand them in, and that the committee be instructed to consider them. He then renewed his motion to adjourn till 2 o'clock, and the Convention then adjourned.

#### THE AFTERNOON SESSION.

The Convention met at the appointed hour and was called to order.

MR. LAZIER said he had just returned from the room of the Committee on State and Federal Relations. The Committee are not prepared to report now, and will not be by 5 o'clock. I there-

fore move that the convention do now adjourn to meet this evening at 7 o'clock. The motion was put and the Convention adjourned.

#### EVENING SESSION.

The Convention met at 7 o'clock, and the Chairman stated the first business before the body would be to receive the report of the Committee on State and Federal Relations.

GEORGE McC. PORTER, of Hancock, Chairman, reported on behalf of the committee, a series of resolutions, comprising those offered in the morning session by Mr. Wheat, with the addition of the following:

*"Resolved.* That in view of the geographical, social, commercial and industrial interests of North Western Virginia, we pronounce the policy of the Convention in changing the relation of the State to the Federal Government, and annexing us to the Confederate States, unwise and utterly ruinous and disastrous to all the material interests of our section, severing all our social ties and drying up all the channels of our trade and prosperity.

*"Resolved.* That should the Ordinance of Secession be adopted, then we recommend to the several counties with us, to hold elections at the several precincts therein, on the 4th day of June, 1861, for delegates to a General Convention, to be held at Wheeling on the 11th day of June, 1861, to devise such measures, and take such action as the safety and welfare of Virginia may demand; each County to appoint a number of representatives to said Convention equal to double the number to which it will be entitled in the next House of Delegates; and that the Senators and Delegates to be elected on the 23d instant, to the next General Assembly of Virginia by the Counties referred to, be declared members of said Convention.

*"Resolved.* That inasmuch as it is a conceded political axiom, that government is founded on the consent of the governed and is instituted for their good, and it cannot be denied that the course pursued by the ruling power in the State, is utterly subversive and destructive of our interests, we believe we may rightfully and successfully appeal to the proper authorities of Virginia, to permit us peacefully and lawfully to separate from the residue of the State, and form ourselves into a government to give effect to the wishes, views and interests of our constituents.

*Resolved.* That the public authorities be assured that the people of the Northwest will exert their utmost power to preserve the peace, which they feel satisfied they can do, until an opportunity is afforded to see if our present difficulties cannot receive a peaceful solution; and express the earnest hope that no troops of the Confederate States be introduced among us, as we believe it would be eminently calculated to produce civil war.

*"Resolved.* That ————— be appointed a Committee to prepare an address to the people of Virginia, in conformity with the foregoing resolutions, and cause the same to be published and circulated as extensively as possible."

MR. CARLILE moved to re-commit the report with instructions, and after reading the resolution which he offered in the morning's ses-



sion, and submitting it as a resolution of instruction, proceeded to address the Convention at considerable length, in advocacy of the motion, and urging that the convention should take some action more effective than the mere adoption of paper resolutions. (We will, at the earliest possible moment, publish a verbatim report of the speech of Mr. Carlile.—Editor. See Appendix.)

After Mr. CARLILE had concluded, Mr. WILLEY obtained the floor and proceeded at great length to reply to the propositions and arguments of Mr. Carlile. He said the proposition of Mr. C. was a violation of the law, and it was treason not only against the Constitution of Virginia, but against the Constitution of the United States. He assumed all the way through that such action would of necessity bring on war in our midst. After he had concluded,

On motion the Convention then adjourned to 9 o'clock tomorrow.

After the adjournment some one proposed three cheers for New Virginia, which went up with a wild and almost ferocious yell. Three more were given for Carlile, and the spectators and delegates dispersed.

## LIST OF DELEGATES TO THE CONVENTION BY COUNTIES.

*Barbour County.*—E. H. Menafee, Spencer Dayton and John H. Shuttleworth.

*Berkeley County.*—A. R. McQuilkin, John W. Dailey, and J. E. Bowers.

*Brooke County.*—Adani Kuhn, David Hervey, Campbell Tarr, Nathaniel Wells, J. R. Burgoine, James Archer, Jesse Edgington, R. L. Jones, James A. Campbell, Robert C. Nicholls, Joseph Gist, John G. Jacob, Eli Green, John D. Nicholls, Bazeleel Wells and Montgomery Walker.

*Doddridge County.*—J. Chevront, S. S. Kinney, J. Smith, James A. Foley, J. P. F. Randolph.

*Frederick County.*—George S. Senseney.

*Galmer County.*—S. Martin.

*Hampshire County.*—Owen D. Downey, George W. Broski, Dr. B. B. Shaw, George W. Sheetz, George W. Rizer.

*Hancock County.*—George McC. Porter, W. L. Crawford, Louis R. Smith, J. C. Crawford, B. J. Smith, Thomas Anderson, William B. Freeman, W. C. Murry, J. L. Freeman, John Gardner, Geo. Johnston, J. S. Porter, James Stevenson, J. S. Pomeroy, R. Breneman, Daniel Donahoo, D. S. Nicholson, Thayer Melvin, Ewing Turner, James H. Pugh, H. Farnsworth, James G. Marshall, Samuel Freeman, John Mahan, David Jenkins, William Hewitt, William Brown, A. Moore, D. C. Pugh, Johnathan Allison, John H. Atkinson, Joseph W. Allison.

*Harrison County.*—John S. Carlile, Thomas L. Moore, John J. Davis, Solomon S. Fleming, Felix S. Sturm, James Lynch, William E. Lyon, Lot Bowen, Dr. Duncan, Waldo P. Goff, Benjamin F. Shuttleworth.

*Jackson County.*—Andrew Flesher, David Woodruff, C. M. Rice, Geo. Leonard, J. F. Scott, G. L. Kennedy, J. V. Rowley.

*Lewis County.*—T. M. Chalfant, Alexander Scott Withers, J. W. Hudson, Perry M. Hale, J. Woofter, W. L. Grant, J. Ames, J. A. J. Lightburn.

*Marion County.*—R. R. Brown, J. C. Beeson, Isaac Holman, Thomas H. Barnes, Hiram Haymond, Harvey Merrifield, G. W. Jolliffe, John Chisler, Thomas Hough, William Beatty, James G. Beatty, Aaron Hawkins, Jacob Sturm, Francis H. Pierpont, Jesse Shaw, Joshua Carter.

*Marshall County.*—John H. Dickey, John Parkinson, Thomas Morris, W. Alexander, John Laughlin, W. T. Head, J. S. Parriott, William J. Purdy, H. C. Kemple, Joseph Turner, Hiram McMechen, E. H. Caldwell, James Garvin, L. Gardner, H. A. Francis, Thomas Dowler, John R. Morrow, William Wasson, Nat Wilson, Thomas Morgan, S. Dorsey, Jr., R. B. Hunter, J. W. McCarriher, J. B. Morris, R. C. Holliday, William Collins, W. R. Kimmons, G. W. Evans, William McFarland, J. Hornbrook, John Reynolds, Remembrance Swan, J. B. Hornbrook, James Campbell, F. Clement, J. Winders, William Baird, Dr. Marshman, William Luke, J. Garvin, S. Ingram, William Phillips, Jr., A. Francis, Thomas Wilson, Lot Enix, G. Hubbs, John Wilson, John Ritchie, J. W. Bonar, J. Alley, S. B. Stidger, Asa Browning, Samuel Wilson, J. McCondell, A. Bonar, D. Price, G. W. Evans, D. Roberts, George Hubbs, Thomas Dowler, R. Alexander, E. Conner, Charles Snediker, John Winters, Nathan Fish, V. P. Gorby, Alfred Gaines, J. S. Riggs, Alexander Kemple, Joseph McCombs, W. Alexander.

*Mason County.*—Joseph S. Machir, Lemuel Harpold, William E. Wetzel, John Godley, Wyatt Willis, William Wiley Harper, William Harpold, Daniel Polsley, Samuel Davies, J. N. Jones, Samuel Yeager, R. C. M. Lovell, Barney J. Rollins, David C. Sayre, Charles H. Bumgardner, John O. Butler, Timothy Russell, John Hall, A. A. Rogers, William Hopkins, Eugene B. Davis, David Rossin, Asa Brigham, Charles B. Waggener, John M. Phelps, Stephen Comstock, W. C. Starr, John Greer, Apollo Stevens, Major Brown, John J. Weaver.

*Monongalia County.*—Waitman T. Willey, James Evans, Leroy Kramer, William A. Hanaway, William Lazier, Elisha Coombs, George McNeely, Henry Dering, Dr. H. N. Mackey, Evans D. Fogle, James T. M. Lasky, James T. Hess, Charles H. Burgess, John Bly, William Price, Dr. A. Brown, Dr. J. V. Boughner, D. P. Fitch, E. B. Taggart, Alpheus Garrison, Dr. John McCarl, J. A. Wiley, Joseph Snyder, Joel Bowlsby, Amos S. Bowlsby, A. Derrant, N. C. Vandervort, Daniel White, Dr. D. B. Dorsey, Jacob Miller, Dr. Isaac Scott, Marshall M. Dent, Rev. Peter T. Laishley, Edward P. St. Clair, William B. Shaw, P. L. Rice, Joseph Jolliffe, William Anderson.

*Ohio County.*—John Alman, L. S. Delaplain, J. R. Stifel, Gibson Lamb Cranmer, Alfred Caldwell, John McLure, Jr., Andrew Wilson, George Forbes, A. J. Woods, Thomas H. Logan, James S. Wheat, George W. Norton, N. H. Garrison, E. Buchanan, John Pierson, P. Witham, Perry Whitten, E. McCaslin, A. B. Caldwell, John R. Hubbard, A. F. Ross, William B. Curtis, John Steiner, Daniel Lamb, Chester D. Hubbard, H. Armstrong, S. H. Woodward, James W. Paxton, A. A. Handlan, Stephen Waterhouse, J. Hornbrook, L. D. Waitt, John K. Botsford, George Bowers, Robert Crangle, J. M. Bickel, James Paull, John C. Hoffman, Jacob Berger, A. Bedillion, Sr., George Tingle, Samuel McCulloch, J. C. Orr.

*Pleasants County.*—Friend Cochran, Robert Parker, R. A. Cramer, James W. Williamson.

*Preston County.*—Harrison Hagans, R. C. Crooks, W. H. King, James W. Brown, Charles Hooton, Summers McCrum, William B. Zinn, W. T. Brown, Reuben Morris, D. A. Litzinger, John Howard, G. H. Kidd, James A. Brown, William P. Fortney.

*Ritchie County.*—Noah Rexroad, D. Rexroad, J. P. Harris, A. S. Cole.

*Roane County.*—Irwin C. Stump.



*Taylor County*.—J. Means, J. M. Wilson, T. Kennedy, Thomas Cather, John S. Burdett, J. J. Allen, B. Bailey, George R. Latham, T. T. Monroe, J. J. Warren.

*Tyler County*.—Daniel D. Johnson, Daniel Sweeny, V. Smith, W. B. Kerr, J. C. Parker, James M. Smith, J. H. Johnston, Isaac Davis, S. H. Hawkins, D. King, William Prichard.

*Upshur County*.—W. E. Williams, C. P. Rohrbaugh.

*Wayne County*.—William W. Brumfield, C. Spurlock, F. Moore, William H. Copley, Walter Queen.

*Wetzel County*.—F. E. Williams, Joseph Murphy, Elijah Morgan, William Burrows, B. T. Bowers, J. R. Brown, J. M. Bell, Jacob Young, Reuben Martin, R. Reed, Sr., Richard Cook, A. McEldowney, B. Van Camp, John McClaskey, S. Stephens, R. W. Lauck, John Alley, Thomas McQuown, George W. Bier, William D. Walker, R. S. Sayers.

*Wirt County*.—Henry Newman, E. T. Graham, B. Ball.

*Wood County*.—S. L. A. Burche, John J. Jackson, Sr., J. D. Ingram, A. Laughlin, Wellington Vrooman, J. C. Rathbone, G. E. Smith, D. K. Baylor, M. Woods, Andrew Alls, Joseph Dagg, Jr., N. W. Warlow, Peter Riddle, John Paugh, T. E. McPherson, Thomas Leach, S. S. Spencer, E. Deem, N. H. Colston, A. Hinckley, Bennett Cook, George W. Henderson, George Loomis, J. L. Padgett, S. D. Compton, S. N. Peterson, G. H. Ralston, V. A. Dunbar, A. R. Dye, W. H. Baker, William Johnston, Jr., Dr. Jesse Burche, S. Ogden, Sardis Cole, P. Reed, John McKibben, W. Athey, C. Hunter, W. P. Davis, R. H. Burke, George Compton, C. M. Cole, Roger Tiffins, Edward Hoit, W. B. Caswell, Peter Dils, W. F. Henry, A. C. McKinsey, Rufus Kinnard, John J. Jackson, Jr., C. J. Neal, J. G. Blackford, Henry Cole, W. E. Stevenson, Jesse Murdock, J. Burche, J. Morrison, A. H. Hatcher, A. Mather, Charles B. Smith, Arthur Drake, H. Rider, B. H. Bukey, John W. Moss, R. S. Smith, M. P. Amiss, T. Hunter, J. Barnett, T. S. Conley and J. J. Neal.

## THE THIRD DAY,

WEDNESDAY, MAY 15, 1861.

### FORENOON PROCEEDINGS.

The Convention assembled and was called to order at nine o'clock. The opening prayer was made by Rev. R. V. Dodge.

MR. FLESHER, of Jackson, rose to a question of privilege. He read from the *Wheeling Union* the proceedings of a public meeting in his county, and said that the article was a libel upon the character of the people he helped to represent.

The Secretary then read the journal of the preceding day.

MR. WILLEY having the floor.

MR. CARLILE asked leave to add to the resolution which he submitted yesterday evening the following:

That the said committee provide for submitting the said ordinance to a vote of the people in the said counties of this State at the election to be held on the 23d inst.

A member also asked and obtained leave to read a series of resolutions. The resolutions suggested the propriety of the adoption of the present constitution and laws of the State, and recommending the holding of an election to elect delegates to a convention to revise the Constitution and organize a separate State; that the convention at once organize a provisional government by electing three persons to constitute a committee of safety, whose duty it will be to exercise the constitutional power of Governor and Council of Virginia, until a complete organization could be effected; that the Convention is ardently attached to the Constitution of the United States, and the Federal Government is earnestly requested to establish a line of military posts along up the valley of the Shenandoah, from Harper's Ferry to the Tennessee line, and up the Great Kanawha.

The reading of the resolution occasioned a good deal of merriment. They were referred to the appropriate committee.

MR. WILLEY then resumed his argument, and proceeded to address the Convention at length. He opposed the organization of a provisional government, and said it would be treason against the State Government of the United States and against the Government of the C. S. A. He urged also that it would inevitably bring war and ruin upon this part of the State. He remonstrated against such action, and asked for the mode of redress proposed in the resolutions of the committee. He would never lend himself to an insurrectionary or unconstitutional means of accomplishing an object which he thought could be accomplished according to law.

MR. POLSLEY, of Mason, addressed the Convention at some length, in favor of a separation. He was not terrified by the cry of treason that had been raised here. If there were any treason in the matter they had already committed it. He referred to the precedent set by California in her organization. We had the right to establish a provisional government here for the entire State.

MR. CARLILE was willing to take the position the gentleman had indicated, if it should be the pleasure of the Convention to recommend the report.

JOHN J. JACKSON, JR., moved that the Convention go into secret session.

MR. PIERPONT hoped it would not be done.

MR. LAZIER wished to add to the motion, "that the clergymen



of the city be permitted to remain and the ladies be allowed to occupy the side boxes." (Laughter.)

MR. CARLILE was willing, if it were deemed advisable, to vote for the proposition.

JOHN R. HUBBARD, of Ohio county, opposed it, and said it would be but imitating the Star Chamber Convention at Richmond. He spoke of the motion as being that of Mr. Carlile, of Harrison.

MR. CARLILE disclaimed, and said he had merely expressed a willingness to acquiesce.

GENERAL JACKSON trusted the motion would be withdrawn.

MR. BURDETT trusted it would *not* be withdrawn. He believed it necessary to fight the devil with fire, and was in favor of going into secret session.

MR. JACKSON withdrew the motion, and

MR. PIERPONT obtaining the floor, proceeded to address the Convention in favor of the adoption of the report of the Committee on State and Federal Relations, and in opposition to the plan of establishing a Provisional Government. In the course of his remarks he alluded to Mr. Carlile, and said that all other gentlemen were to be driven from the field.

MR. CARLILE protested that he had said nor done nothing, authorizing any such inference; and he said now to this Convention and to the people of Virginia, that he had filled the last office he ever would fill with his own consent. (Applause.)

MR. PIERPONT also incidentally remarked in the course of his speech, that there would soon be any amount of men and money here to protect Union men in Northwestern Virginia.

MR. CARLILE asked Mr. Pierpont to give his authority for the assertion; Mr. Pierpont was about to do so, but on the suggestion of several gentlemen, refrained.

MR. CARLILE said he did not ask it out of any doubt as to the entire truthfulness of the statement. He had understood him to speak of it as a mere supposition.

MR. CARLILE then stated that it had been charged on him, that he was at Washington a short time since, engaged in procuring arms, and that the two thousand now here had been obtained through him. It was not true. The arms were procured by a delegation of gentlemen from Brooke County, and he himself was two hundred miles away from Washington at that time, where he had not been at all.

MR. PIERPONT had alluded to several manifestations on the

part of the spectators as an outside pressure, and said that the spectators were endeavoring by such expressions to intimidate gentlemen in the Convention, when

MR. WHEAT arose and said, that he had lived here all his life, and knew well the temper of his fellow citizens of this city. He was sure Mr. Pierpont did them gross injustice. He reminded the spectators that it was improper for them to take any part in the proceeding, even by any expressions of approval or disapprobation.

On motion of Mr. Jackson, Jr., the Convention adjourned; Mr. Pierpont yielding the floor for that purpose.

#### THE AFTERNOON SESSION.

The Convention met at two o'clock.

MR. WILLEY obtained leave to read a letter addressed by Mr. J. Hughes of Martinsburg, Va., to J. B. Bowers, Esq., a member of the Convention. The letter gave an account of a Union meeting held in Berkeley county, and exhibited a very favorable view of the sentiment in that county.

On motion of John J. JACKSON, Jr., it was ordered to be recorded in to-day's proceedings as a part of the minutes of the Convention.

MR. CARLILE handed to the Secretary the proceedings of meetings held in Cabell and Wayne counties, appointing delegates to this Convention and instructing the delegates from Harrison to act as alternates, and asked that they be accredited as such.

MR. POLSLEY of Mason, offered an amendment to the resolution of instructions offered by Mr. Carlile yesterday.

MR. CARLILE said for the purpose of evincing his desire for unanimity, he would accept the resolution, as an amendment to his proposition so that all the different views may go before the committee. He offered as an additional amendment the following:

"And that the said committee also provide in the event of the ratification of the Ordinance of Secession for the re-assembling of this Convention on the first Monday in June next, to adopt a Constitution and form of Government for the said counties, if, in their opinion it is premature at this time to adopt said Constitution and form of Government."

He had drawn this up and offered in deference to the views of



others—not that he changed his own opinion heretofore expressed here in the least.

JOHN J. JACKSON, Jr., said the Convention was and had been acting entirely without any laws to govern its deliberations, and he moved the adoption of the rules of the House of Delegates of Virginia, so far as applicable to this body.

The motion was put, and the rules adopted.

MR. PIERPONT then resumed his speech. He expressed his regret that he should have exhibited any undue warmth in his remarks during the morning session; and apologized for the same. He was interrupted by a motion to refer all the pending propositions before the Convention back to the Committee on State and Federal Relations.

MR. CARLILE moved to adjourn till tomorrow, in order to give the committee time for deliberation, but withdrew his motion to allow Mr. Latham to read a series of resolutions which he offered as a kind of middle ground for the consideration of the committee. The resolutions were referred to the Committee on Federal Relations.

MR. LATHAM wished then to read a declaratory resolution, for the immediate action of the Convention, but was ruled out of order.

On motion of JOHN J. JACKSON, Jr., the Convention then adjourned till 5 o'clock P. M.

#### THE EVENING SESSION.

Convention met at 5 o'clock.

The CHAIR stated that the first business before the Convention was the report of the Committee on State and Federal Relations.

The Committee not being ready to report, a call was made for Mr. Latham, of Taylor county, who addressed the Convention. He was followed in a brief address by Mr. Holliday, of Marshall.

JOHN J. JACKSON, Jr., stated that the Committee would be ready to report at seven o'clock. He stated that he had received a telegraphic despatch a few moments ago from his own town, informing him that a letter had been written to him giving the details, which he thought he would receive by eleven o'clock to-night; and after the receipt of that letter he thought the committee might see the propriety of waiting a day or two longer before taking action. He read the despatch, which said: "The dogs of war are about: look out for State troops. I will write by mail."

"I know," continued Mr. Jackson, "how utterly unable gentlemen who reside here on this little strip of territory, lying between these two great States of Pennsylvania and Ohio, are of appreciating the situation of the people of the interior counties. Ever since the assembling of this Convention, I have been endeavoring to impress upon this body the conviction on my mind, that within less than a brief time to elapse between now and the 23d of this month, more of the Northwest not now so occupied, would be visited by Southern troops. The *Baltimore Sun* intimated that Virginia intended sending out here 5,000 troops within the next three days, but had been advised by an officer of the Confederate Government not to do so." He had thought, perhaps, he was the only crazy man in this body, and all the rest were sane, but he thought that when the Convention would see as he believed it would, within 24 hours the necessity for immediate action, he had been endeavoring to impress upon the Convention, they would come to the conclusion not to adjourn tonight, and he moved to adjourn till tomorrow at the usual hour. Motion rejected.

JOHN J. JACKSON, Jr., said he wasn't afraid of Letcher's "dogs of war." Let them come and we will give them a warm reception. He moved to adjourn to 7 o'clock. The motion carried and the Convention adjourned.

#### THE NIGHT SESSION.

The Convention met at 7 o'clock.

On motion, the Journals of the day's proceedings were ordered to be read.

MR. BURDETT stated that he received a letter, saying that although the counties of Randolph and Jackson<sup>6</sup> were not represented here, they sympathized with the movement and these counties would endorse whatever the Convention may do.

MR. TARR then presented the report of the Committee on Federal Relations, which was read by the Secretary, as follows:

#### *Report of the Committee on State and Federal Relations.*

1. *Resolved*, That in our deliberate judgment the ordinance passed by the Convention of Virginia, on the 17th day of April, 1861, known as the ordinance of secession, by which said Convention, undertook in the name

6. This is an error. A delegation from Jackson county was there on the floor of the Convention. Jefferson county may have been mentioned instead.—V. A. L.



of the State of Virginia, to repeal the ratification of the Constitution of the United States by this State, and to resume all the rights and powers granted under said Constitution, is unconstitutional, null and void.

2. *Resolved*, That the schedule attached to the ordinance of secession suspending and prohibiting the election for members of Congress from this State, is a manifest usurpation of power to which we ought not to submit.

3. *Resolved*, That the agreement of the 24th of April, 1861, between the Commissioner of the Confederate States and this State, and the ordinance of the 25th of April, 1861, approving and ratifying said agreement by which the whole military force and military operations offensive and defensive, of this Commonwealth are placed under the chief control and direction of the President of the Confederate States, upon the same principles, basis and footing as if the Commonwealth were now a member of said Confederacy, and all the acts of the executive officers of our State in pursuance of said agreement and ordinance are plain and palpable violations of the Constitution of the United States, and are utterly subversive of the rights and liberties of the people of Virginia.

4. *Resolved*. That we earnestly urge and entreat the citizens of the State everywhere, but more especially in the Western section, to be prompt at the polls on the 23d inst.; and to impress upon every voter the duty of voting in condemnation of the Ordinance of Secession, in the hope that we may not be involved in the ruin to be occasioned by its adoption, and with the view to demonstrate the position of the West on the question of secession.

5. *Resolved*. That we earnestly recommend to the citizens of Western Virginia to vote for members of the Congress of the United States, in their several districts, in the exercise of the right secured to us by the Constitutions of the United States and the State of Virginia.

6. *Resolved*, That we also recommend to the citizens of the several counties to vote at said election for such persons as entertain the opinions expressed in the foregoing resolutions, for members of the Senate and the House of Delegates of our State.

7. *Resolved*, That in view of the Geographical, social, commercial and industrial interests of Northwestern Virginia, this Convention are constrained in giving expression to the opinion of their constituents to declare that the Virginia Convention in assuming to change the relation of the State of Virginia to the Federal Government, have not only acted unwisely and unconstitutionally, but have adopted a policy utterly ruinous to all the material interests of our section, severing all our social ties, and drying up all the channels of our trade and prosperity.

8. *Resolved*, That in the event of the Ordinance of Secession being ratified by a vote, we recommend to the people of the Counties here represented, and all others, disposed to co-operate with us, to appoint on the 4th day of June, 1861, delegates to a General Convention, to meet on the 11th of that month, at such place as may be designated by the Committee hereinafter provided, to devise such measures and take such action as the safety and welfare of the people they represent may demand,—each County to appoint a number of Representatives to said Convention equal to double the number to which it will be entitled in the next House of Delegates; and the Senators and Delegates to be elected on the 23rd inst., by the counties referred to, to the next General Assembly of Virginia, and who concur in the views of this Convention, to be entitled to seats in the said Convention as members thereof.

9. *Resolved*. That inasmuch as it is a conceded political axiom, that government is founded on the consent of the governed and is instituted for their good, and it cannot be denied that the course pursued by the ruling power in the State, is utterly subversive and destructive of our interests, we believe we may rightfully and successfully appeal to the proper authorities of Virginia, to permit us peacefully and lawfully to separate from the residue of the State, and form ourselves into a govern-



ment to give effect to the wishes, views and interests of our constituents.

10. *Resolved*, That the public authorities be assured that the people of the North West will exert their utmost power to preserve the peace, which they feel satisfied they can do, until an opportunity is afforded to see if our present difficulties cannot receive a peaceful solution; and we express the earnest hope that no troops of the Confederate States be introduced among us, as we believe it would be eminently calculated to produce civil war.

11. *Resolved*, That in the language of Washington in his letter of the 17th of September, 1787, to the President of Congress; "in all our deliberations on this subject we have kept steadily in view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, and perhaps our national existence." And therefore we will maintain and defend the Constitution of the United States and the laws made in pursuance thereof, and all officers acting there-under in the lawful discharge of their respective duties.<sup>7</sup>

12. *Resolved*, That John S. Carlile, James S. Wheat, Chester D. Hubbard, Francis H. Pierpont, Campbell Tarr, George R. Latham, Andrew Wilson, S. H. Woodward and James W. Paxton be a Central Committee to attend to all the matters connected with the objects of this Convention; and that they have power to assemble this Convention at any time they may think necessary.

13. *Resolved*, That the Central Committees be instructed to prepare an address to the people of Virginia in conformity with the foregoing resolutions and cause the same to be published and circulated as extensively as possible.

MR. POLSLEY suggested that instead of acting to-night on the report of the committee, it be laid upon the table and printed, in order that every member might have an opportunity to inspect it.

GEN. JACKSON objected; he wanted to go home. It was corn planting time.

MR. CARLILE asked Mr. P. to withdraw his motion. He was satisfied that nothing more than was now incorporated in the report could be obtained from the Convention at that time, and he was happy to state that since the adjournment this evening a resolution had been adopted by the committee which he regarded worth all the rest, and which would in a short time realize all their hopes of a New Virginia. That resolution provides for the appointment of a committee possessing all the powers this Convention can exercise, so far as they can be exercised by the committee.

The question on the adoption of the report of the Committee was then put, and the report was adopted with an almost unanimous "aye," only two dissenting voices being heard.

The announcement that the motion had carried, was received with tremendous cheering.

7. The reader will here observe that much of the report of the Committee on Federal Relations, was embodied in the series of resolutions submitted by James S. Wheat the preceding day.—V. A. L.



## A CENTRAL COMMITTEE APPOINTED.

The following gentlemen were named as a Central Committee; viz: Hon. John S. Carlile, James S. Wheat. Chester D. Hubbard, Francis H. Pierpont, Campbell Tarr, George R. Latham, Andrew Wilson, S. H. Woodward and James W. Paxton.

GENERAL JACKSON rose to make a few remarks, but was called to the stand for a speech. He responded in a warm enthusiastic appeal to the Convention to now stand by and maintain what they had here declared to-night.

MR. LAZIER offered a resolution that the thanks of this Convention be tendered to the citizens of Wheeling for the kind and hospitable manner in which they have entertained the members of this Convention, and for the use of this Hall.

A speech from Carlile was called for and he responded and was followed by Mr. Willey, Pierpont and others. (We shall probably publish some of these speeches at an early day.—Editor of *Daily Intelligencer*,)<sup>8</sup>

## REMARKS OF MR. CARLILE.

Having been called to the stand for a speech Mr. Carlile said:

“*Mr. President and Fellow-Citizens:*

“Unity of action and singleness of purpose, I have been taught to believe, will accomplish all that it is in the power of man to accomplish, when wisely directed. I therefore concur most heartily in the suggestion made by the gentleman from Wood that this convention should not separate without first invoking the blessing of Heaven upon the labors inaugurated by it, and which will grow day by day more arduous, in order that we may have that wisdom which is so necessary to direct us through the momentous struggle in which we are about to engage. But if we meet it as brave men should; if we meet it with a determination to accomplish our purpose or die in the effort, success will as certainly crown our efforts as that the sun rises in the east and sets in the west. While it has been well remarked we have yielded each to the other for the purpose of harmonizing, and have thus been enabled to come to the conclusion at which we have arrived, we must remember that the same object is still in view, and the same effort is required to accomplish the purpose, although it may be postponed a few days longer than some of us desire. And it may, gentlemen, require at

8. The speeches of Mr Carlile and Mr. Willey made at this hour, were printed in the *Daily Intelligencer* of Wheeling, May 20, 1861. We here insert these in the proper place in the proceedings of the night session on the third day—the time at which they were uttered.—V. A. L.

our hands more arduous efforts than it would if we had earlier entered upon it. Be that as it may, let us go home with a determination to succeed, and let us inspire the same determination into the breast of every citizen in each and every county here represented, and all other counties in which we may chance to be between this and the hour of trial.

I feel that upon us of Northwestern Virginia, and upon our efforts, depend to a very great extent, the restoration of harmony to the whole of our beloved land, and the preservation and perpetuity of those free institutions under which we have been born and reared. This is a government to love; and I cannot for a moment contemplate its destruction without feeling as I never deemed myself capable of feeling in contemplating any subject short of utter annihilation. When I left the Virginia Convention, on the evening on which the Ordinance of Secession passed, and walked solitary and alone to my lodgings, and felt that a home and country remained not to me, I felt as sad at heart as I could have felt had I just returned from the burial ground, having deposited in their last resting place my wife and children. Entertaining these sentiments, placing this estimate upon this government, I have resolved to do all that I can, in any and every position, to preserve it, and aid and co-operate with my fellow-citizens in its preservation. And I believe that preservation is to be secured by and through the agency of this portion of Virginia; by and through the erection of a new State; by and through, it may be, scenes of blood, accomplished by deeds of daring, but deeds that will result to effect its accomplishment. Let each and all determine for himself, and get his neighbors to determine with him. Be the means to be used what they may, come life or come death, it shall be accomplished. (Applause.) I have not voice to say more. I speak with much difficulty, I return to you my sincere thanks for the kindness received at the hands of each and every member of this Convention; and I assure you I justly appreciate the compliment shown me by calling me to the stand. The associations I have formed here, will always be remembered by me as among the most pleasing reminiscences of my life." (Applause.)

SPEECH OF HON. WAITMAN T. WILLEY.

Mr. Willey being loudly called for, came forward and said:

*Mr. President and Fellow Citizens:*

"Whilst I appreciate with sentiments of heartfelt gratitude the



compliment you pay me in calling me out at this period, in the deliberations of our Convention, I am sure you would be disposed to excuse me if you were aware of the pain and suffering under which I am constantly laboring. Ever since yesterday morning at seven o'clock, when I was attacked, I assure you most sincerely that I have been in the most excruciating torture. Last night I slept scarcely one moment; and nothing but the heartfelt and deep, and absorbing interest that I have felt in the deliberations of this body that has kept me on this floor until this time. But I tell you, fellow-citizens, I have felt during all this struggle, from the time it began in the Virginia Convention until now, something of the spirit of the noble Roman youth, who, *cap a pie*, mounted, armed and equipped for the sacrifice, voluntarily rushed into the opening chasm of the forum, a voluntary victim to appease the gods of strife that were bringing desolation on his country. And I assure you to-night, if by laying down my humble life on the altar of my country I could bring back peace and harmony, and re-organize and restore the glorious Union which our fathers formed for us, I would willingly as I ever sat down to partake of the dainties of life, render that sacrifice this day, and this hour. (Applause.)

“And, fellow-citizens, much as some of you have misapprehended my soundness on this question, in this good city of yours, feeble as I am in health, with a constitution broken by the anxiety of the struggle of the last two-and-a-half months for the perpetuity of that very Union, for a want of fidelity to which I am suspected at this time, I am ready when the hour comes—I am ready when the Constitution has been exhausted—I am ready when it has been ascertained that the great legitimate agency of republican liberty is not sufficient to bring about the revolution that is to secure to us our just rights at the ballot box—when the law fails—when the Constitution fails in securing these rights, I am ready to stand among the foremost of those who have been here to-day to suspect me. It is not because I do not love the Union that I have taken the conservative position on this occasion; it is not because I do not love my fellow citizens of Wheeling; not because I am faithful and true to the common principles to which you are engaged; it is not because I love Cæsar less, but because I love Rome more. (Applause.)

“I have very little of this world's goods; but I have heritage enough—about the 27,000,000th part of the prestige and glory of

him who can look upon the stripes and stars, and call it his country's flag, (cheers), and who, with that infinitesimal particle of glory, is richer by far than he who, with the richest heritage that ever fell to the lot of man, did not have the name and prestige of an American citizen. (Applause.) I do not intend to surrender it until I am compelled—until I am subdued, heart, soul, fortune, and body. (Cheers.)

"I do not despair of the Republic, either. If we could have two weeks longer until the election, I verily believe, the disheartening anticipation of my friend from Harrison to the contrary notwithstanding, to use a vulgar, but expressive phrase, which may be well applied to this ordinance of secession, we would "knock it into a cocked hat." (Laughter.) Why, sir, I am credibly informed that these soldiers, of whom we have heard so much, and from whom we anticipate so much danger, and who are said to be quartered and posted all over the State for the purpose of public intimidation, have pledged their lives that their own blood shall crimson the streets, but they will cast their votes on the 23rd of this month, against the ordinance of secession. (Applause.) I am informed of one company consisting of 90 men of whom 80 are pledged to vote against the ordinance. You heard a voice to-day from old Berkeley. God bless her! (Applause.) And He will bless her, and all who think like her. God has blessed this country. God has blessed all the men who have loved this Union. His hand has been manifested in all our history. He stood by Washington, its great Founder and Defender. He stood by our forefathers in the establishment of this Government, and by working out our glorious destiny thus far in the space of less than three quarters of a century. God has made the American people the greatest on the earth; and I firmly believe in the hidden councils of His mysterious providence, there is a glorious destiny awaiting an united American people still. (Applause.) I take confidence in the cause as I look at the stripes and stars, and I remember the circumstances that gave rise to the beautiful motto that is as applicable to us to-day as when in the moment of inspiration it was penned:

"Triumph we must, for our cause it is just,  
And this be our motto, in God is our trust."

(Great applause.) I was just trying to catch from my memory a couplet from a poem which I read the other day in regard to the



banner of our country. I think I can recall it in the sentiment if not in the language:

“Forever float that standard sheet;  
Where breathes the foe but falls before us,  
With freedom’s soil beneath our feet  
And freedom’s banner streaming o’er us.”

Mr. W. pronounced these lines with great vehemence, and when he had ended there arose one universal, loud and thrilling cheer.

“Fellow-citizens, it almost cures one’s back-ache to hear you applaud the sentiment. (Laughter and applause.) But then the time for speaking is done. Let me exhort you never to forget the counsels my much esteemed friend, General Jackson of Wood, delivered to us to-night. Never forget to act upon them. I think I see yet sparkling in the old hero’s eye something of the ardor which he thought it not prudent to express, yet that even he was ready at his country’s call to lead his sons and the sons of his countrymen whenever it may be necessary—whenever our liberties cannot be secured to us otherwise—to lead us into the battle field;—not to be carried to the polls to whisper his vote against this Ordinance of Secession, but to fall upon the field of battle, to wrap himself in his country’s flag and pledge his gratitude to God that he was deemed worthy at last to end an honored life by falling in defense of his country. (Applause.) We have worthy sires, my young friends. Let us be sons worthy of those sires. Those sires were law-abiding, constitution-making, constitution-keeping men. They well knew that republican liberty, that free institutions could only be established upon the law, and preserved by keeping the law; and that is the secret of the conservative position we have taken in this convention. I believe God’s blessing will rest upon our action, and if at last, in the language of the Declaration of Independence, ‘we have remonstrated again and again, we have petitioned and adjured,’ and our prayers are all scoffed at and scouted—why, I think I see around me here to-night the men who know their duty—

“ ‘Who know their rights,  
And knowing dare maintain.’ ”

“Fellow-citizens, the first thing we have got to fight is the Ordinance of Secession. Let us kill it on the 23d of this month. (Applause.) Let us bury it deep beneath the hills of Northwestern Virginia. Let us pile up our glorious hills on it; bury it deep so that it will never make its appearance among us again. (Ap-

plause.) Let us go back home and vote, even if we are beaten upon the final result, for the benefit of the moral influence of that vote. If we give something like a decided preponderating vote of a majority in the Northwest, that alone secures our rights. (Applause.) That alone, at least, secures an independent State if we desire it.

“Fellow-citizens, I am trespassing upon your patience.” (Go on! go on!) “I am going up to Marion county to assist my friend Hall, in canvassing that county.—Monongalia is a fixed fact—like the handle of a jug, all on one side. (Laughter.)—Not all on one side either; but on all sides, all over, and under, and in, and out, and through and everywhere. (Applause and laughter.) But I want to help Hall a little. Want to take Frank Pierpont along over there, too. They have threatened to hang him out there, and I am sure if he gets strung up first he will break the rope and I will escape. (Laughter.)

“We have to go to work now. We must appeal to the people; appeal to their patriotism; and let us defeat the ordinance of secession in Northwestern Virginia at least. My advices from the valley are, that where, some weeks since, a Union man dare not hold up his head, he has come out now, and is shaking his fist at his adversary. They are getting bold and numerous; and I should not be surprised if the upper and lower valley, even Jefferson county, right under the shadow of—or rather casting its shadow upon—Harper’s Ferry, and under the influence and intimidation of the soldiery there, and old Loudon, with Janney at its head, should all give majorities against this ordinance. They say even in Alexandria the old Union spirit is reviving. Let us hope then—‘hope on, hope ever.’ Let us work in season and out of season.

“And now, fellow-citizens, good-bye till we meet again, with all our hopes realized, as I trust, under fairer auspices. May we meet each other with gratulation and congratulation, that our old and beloved Commonwealth, the mother of States and statesmen, whose fame is as wide as the earth—every inch of whose soil I love, her mountains and valleys, from the seaboard to the Ohio border—shall be restored to peace and prosperity; until all this land in all her waters, shall reflect back peacefully the stars on the floating banner of our country, re-established as the ensign of universal liberty.” (Great applause.)

On motion, a unanimous vote of thanks was tendered to the



President and other officers for their official service during the session.

On motion, the delegations from the various counties were requested to appoint the five provided for in one of the resolutions, and that they report to the Secretary before the adjournment of the Convention.

Prayer was then offered and the Star Spangled Banner sung, and with about three times three hearty cheers for the Union, the Convention adjourned *sine die*, in a perfect blaze of enthusiasm.

## APPENDIX.

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### TO THE PROCEEDINGS OF THE FIRST CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA.

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By reference to the twelfth and thirteenth resolutions of the report of the Committee on Federal Relations as finally adopted, it will be seen that a Central Committee was appointed "to attend to all matters connected with the Convention." Its members were John S. Carlile, James S. Wheat, Chester D. Hubbard, Francis H. Pierpont, Campbell Tarr, George R. Latham, Andrew Wilson, S. H. Woodward, and James W. Paxton. This Committee was required to prepare an "Address to the People of Virginia," and cause the same to be published and circulated as extensively as possible, within six days after the adjournment of the Convention; this "Address" was prepared and given to the press for publication. It was as follows:

#### AN ADDRESS TO THE PEOPLE OF NORTHWESTERN VIRGINIA.

In obedience to the 13th resolution of the Convention, which met in this city, on the 13th inst., we earnestly conjure you to enter actively and immediately upon the great work of preparing your neighbors and friends, as well as yourselves, for the firm, stern and decided stand necessary to be taken and adhered to at all hazards, and maintained at any and every cost, if we would preserve to ourselves and transmit to our posterity, that unity of government which constitutes us one people, which we justly regard as the palladium of our liberties and the main pillar in the edifice of our independence. In this way, and this way alone, we can save ourselves from the innumerable evils consequent upon secession and all the horrors of civil war.

Why should the people of North Western Virginia allow themselves to be dragged into the rebellion inaugurated by ambitious



and heartless men, who have banded themselves together to destroy a government formed for you by your patriot fathers, and which has secured to you all the liberties consistent with the nature of man, and has, for near three-fourths of a century, sheltered you in sunshine and in storm, made you the admiration of the civilized world, and conferred upon you a title more honored, respected and revered, than that of King or Potentate—the title of an American citizen? Will you passively surrender it, and submit to be used by the conspirators engaged in this effort to enslave you, as their instruments by which your enslavement is to be effected?

Freemen who would remain free, must prove themselves worthy to be free and must themselves first strike the blow.

What is secession? A deed not to be accomplished in the broad glare of noon-day sun, but a deed of darkness, which had to be performed in secret conclave, by the reckless spirits who accomplished it, in contempt of the people, their masters under our form of government, but whom the leaders in this work of destruction determined to enslave.

What is secession? Bankruptcy, ruin, civil war, ending in a military despotism. Prior to the adoption of the Ordinance of Secession in Virginia, and to the passage by the Legislature of the bill calling a Convention, all was peace, and the great business interests of our State were uninterrupted. From the hour that it was proclaimed the Ordinance of Secession had been passed, business of every description has been paralyzed, State, corporation and individual credit is prostrate, and bankruptcy and ruin stare us in the face, and war, civil war, with all its attendant horrors, is upon us. Secession, all now see, is war. It is preceded by war, accompanied and sustained by war, ushered into being by war.

Who are to stand the brunt of this contest? Will it be those who have clamored loudest for secession, and who have done the most to bring on the present crisis? These are the first to flee from the very approach of danger. They hurry in every train and by every coach from the anticipated scenes of disturbance. Will the disunion majority of the Richmond Convention come into the ranks and shoulder the musket in the strife which they have inaugurated? They will keep at a respectful distance from danger. —They will fill the lucrative offices and secure the rich appointments which appertain to the new order of things. They will luxuriate on two or three or four hundred dollars per month, with horses, and servants, and rations to match, while the Union-loving

people will be called upon, for the honor of Virginia and two shillings per day, to do the fighting and undergo the hardships of war. We are all Virginians, say they, the State must be sustained, and right or wrong, we must all fight for Virginia, etc.

What is it to fight for Virginia. What is it to sustain the State? Is it to urge her upon a course which leads to visible and gaping destruction? Is this the way and the only way in which we can testify our devotion to the Commonwealth? If those feelings which actuated our Revolutionary Fathers be not all dead in us, we shall exhibit our love for Virginia, by repudiating this tyrannical rule which the Richmond Convention has endeavored to impose, and suffer not ourselves to be sold like sheep from the shambles. The people yet hold their destinies in their own hands—it is for them to accept or reject a tyranny, worse many times, than that from which the war of '76 delivered us—not the tyranny of one man, but of many.

But, people of North Western Virginia, why should we thus permit ourselves to be tyrannized over, and made slaves of, by the haughty arrogance and wicked machinations of would-be Eastern Despots? Are we submissionists, craven cowards, who will yield to daring ambition, the rich legacy of Freedom, which we have inherited from our fathers, or are we men who know our rights, and knowing, dare maintain them? If we are, we will resist the usurpers and drive from our midst the rebellion sought to be forced upon us. We will, in the strength of our cause, resolutely and determinedly stand by our rights and our liberties secured to us by the struggles of our Revolutionary Fathers, and the authors of the Constitution under which we have grown and prospered beyond all precedent in the world's history. We will maintain, protect and defend that Constitution and the Union with all our strength, and with all our powers, ever remembering that "Resistance to tyrants is obedience to God." We utterly repudiate the war sought to be enforced upon us without and against the consent and earnest protestations of the people who have not produced it, but who have, we regret to say, thus far offered no resistance, but have submitted to the filling up of armies and the quartering of troops in their midst; taking for the purpose, our young men who had, in a time of profound peace, and with no expectation of ever being called upon to aid in a rebellion, attached themselves to the volunteer corps of our State. The people, stunned by the magnitude of the crime, have, for a time, offered no resistance,



but as returning reason enables them to perceive distinctly the objects and purposes of the vile perpetrators of this deed, their hearts swell within them, and already the cry has gone up from our mountains and our valleys, "Resistance to tyrants is obedience to God."

Let us urge you then, that our resistance may be effectual, to act in the spirit of the Resolutions here appended, adopted by the Convention, whose Committee we are. Let all our ends be directed to the creation of an organized resistance to the despotism of the tyrants, who have been in session in Richmond, and who are soon to re-assemble, that we may maintain our position in the Union under the flag of our common country, which has for so many years waved gracefully and protectingly over us, and which, when we behold upon its ample folds the stripes and the stars of Freedom, causes our bosoms to glow with patriotic heat, and our hearts to swell with honest love of country. That this flag, the symbol of our might, challenges our admiration, and justly claims our every effort against those who have dared to desecrate and dishonor it, we all admit. Let us then see that we take the proper measures to make effectual those efforts. The Convention to assemble on the 11th proximo, is looked to to organize our action. Its importance, its necessity, will at once strike your minds; take immediate steps therefore to secure for your representatives in Convention, your most determined, resolute, temperate and wisest men. We have already detained you too long, the time for action, prompt, firm and decided, has come. In the hope that our section will be that of a united people, we take leave of you, confidently calculating that you will give your body, soul, strength, mind, and all the energies of your nature to the work of saving your country from becoming the theatre of a bloody war, brought upon you without your consent and against your will. Let us show Mr. Ex-Secretary Cobb, now President of the Montgomery Congress, that we are not willing to recognize the transfer of us made by the Richmond Convention, nor do we intend to allow our borders, as he says they will be, to be made the theatre of this war.

Fellow-citizens, we ask you to read and ponder well the passages from Mr. Cobb's Speech. We recite:

"The people of the Gulf States need have no apprehension; they might go on with their planting and their other business as usual, the war would not come to their section, its *theatre would be along the borders of the Ohio River and in Virginia.*"

The Convention between Virginia and the Confederate States, by which the control of all military operations is placed in the hands of President Davis, insures this result.

Fellow-Citizens—"These are the times when we must not stop to count sacrifices and costs, where honor, and character, and self-preservation are put in issue." The patriot and sage, Daniel Webster, in a speech delivered at Washington, in 1851, at the laying of the corner stone of the addition to the Capitol, spoke as follows:

"Ye men of the Blue Ridge, many thousands of whom are nearer to this capitol than the seat of Government of your own State, what do you think of breaking up this great association into fragments of States and of people? I know that some of you; and I believe that you all, would be almost as much shocked at the announcement of such a catastrophe, as if you were informed that the Blue Ridge itself would soon totter from its base—and *ye men of Western Virginia, who occupy the slope from the Alleghenies to Ohio and Kentucky, what benefit do you propose to yourselves by disunion? If you secede, what do you 'secede' from, and what do you 'accede' to? Do you look for the current of the Ohio to change and to bring you and your commerce to the tide waters of Eastern rivers?—What man in his senses can suppose that you would remain part and parcel of Virginia a month after Virginia had ceased to be a part and parcel of the United States?"*

Fellow-Citizens of Northwestern Virginia, the issue is with you. Your destiny is in your own hands. If you are worthy descendants of worthy sires you will rally to this defence of your liberties, and the Constitution which has protected and blessed you will still extend over you its protecting ægis. If you hesitate or falter all is lost, and you and your children to the latest posterity are destined to perpetual slavery.

JOHN S. CARLILE,  
JAMES S. WHEAT,  
CHESTER D. HUBBARD,  
FRANCES H. PIERPONT,  
CAMPBELL TARR,  
GEORGE R. LATHAM,  
ANDREW WILSON,  
S. H. WOODWARD,  
JAMES W. PAXTON,  
*Committee.*



## THE SECOND CONVENTION OF THE PEOPLE OF NORTH- WESTERN VIRGINIA.

### INTRODUCTORY NOTE.

The first Convention of the people of Northwestern Virginia—that of May—adjourned May 15, 1861, having provided for the meeting of a second Convention, in the event that the Ordinance of Secession should be ratified by the people on the 23d day of May ensuing. This was done by the provisions contained in the eighth resolution of the series reported by the Committee on Federal Relations and adopted by the Convention. It was as follows:

*Resolved.* That in the event of the Ordinance of Secession being ratified by a vote, we recommend to the people of the Counties here represented, and all others disposed to co-operate with us, to appoint on the 4th day of June, 1861, delegates to a General Convention, to meet on the 11th of that month, at such place as may be designated by the Committee herein-after provided, to devise such measures and take such action as the safety and welfare of the people they represent may demand, each county to appoint a number of Representatives to said Convention equal to double the number to which it will be entitled in the next House of Delegates; and the Senators and Delegates to be elected on the 23d inst., by the counties referred to, to the next General Assembly of Virginia, and who concur in the views of this Convention, to be entitled to seats in the Convention as members thereof.

Herein it was recommended to the people of the counties there represented and that of all others who desired to co-operate in the movement inaugurated to appoint on the 4th day of the ensuing June, delegates equal to twice the number of members of the House of Delegates, to a General Convention to meet on the 11th of June. Further, the Senators and Delegates to the General Assembly elected at the election on the 23d of May, and who concurred in the views of the said first Convention, were entitled to seats in the second Convention. The Ordinance of Secession was ratified; the delegates elected on the 4th of June, and they together with the Senators and members of the House of Delegates, elected May 23d, in all counties selecting delegates to the Convention, June 4th, assembled at Wheeling, June 11th, ensuing.

JOURNAL  
of the  
SECOND CONVENTION OF THE PEOPLE OF NORTH-  
WESTERN VIRGINIA.

THE FIRST DAY.

TUESDAY, JUNE 11, 1861.

The Convention assembled yesterday at two P. M., in Washington Hall.

On nomination of Francis H. Pierpont, Dennis B. Dorsey, Esq., of Monongalia County, was selected as temporary Chairman. Gibson Lamb Cranmer, of Wheeling was, on nomination of Campbell Tarr, of Brooke, chosen temporary Secretary.

The President returned his thanks briefly for the distinction conferred. He said that taking the chair as temporary Chairman it would be superfluous in him to allude to the vital subjects that would come before the Convention. They had calmly and thoroughly considered them at home and had now come here to act on those reflections. He realized that this was to be the most important Convention that ever assembled in the State of Virginia. He would not impose a speech on the Convention, but would merely say that he would endeavor to discharge the duties imposed on him to the best of his ability.

On motion of Mr. Pierpont, Rev. Gordon Battelle, who was present, was requested to open the sitting of the Convention with prayer.

After the prayer, ARTHUR I. BOREMAN, of Wood, offered the following resolution which was adopted:

*Resolved*, That a committee of five be appointed by the Chair to ascertain and report all who are entitled to seats in this Convention as members thereof.

MR. CARLILE offered the following:

*Resolved*, That a committee of five members of this body be appointed to report rules for the Government of the Convention.

The resolution was adopted.

The following, by MR. PIERPONT, of Marion, was then adopted:

*Resolved*, That a committee of five be appointed to report on the permanent organization of the Convention.

CAMPBELL TARR submitted the annexed, which was accepted:

*Resolved*, That this Convention will meet while in session, at 10 A. M.



THE CHAIR then announced the committees, appointed under the resolutions offered; after which, on motion, the Convention adjourned.

The following are the Committees:

COMMITTEE ON ORGANIZATION:—Francis H. Pierpont, W. H. Copeland, E. H. Caldwell, John S. Burdett, Chapman J. Stuart.

COMMITTEE OF RULES:—Jno. S. Carlile, Daniel Polsley, Harrison Hagans, Geo. McC. Porter, Andrew Flesher.

COMMITTEE ON CREDENTIALS:—Arthur I. Boreman, Daniel Lamb, Lewis Wetzel, John J. Brown, James Evans.

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## THE SECOND DAY,

WEDNESDAY, JUNE 12, 1861.

The Convention assembled pursuant to adjournment, and was opened with prayer by Rev. Wesley Smith, of this city.

The Secretary read the journals of the previous day, which were, on motion, adopted.

MR. BOREMAN, of Wood county, offered the report of the Committee on Credentials, and on his motion it was received and concurred in: The subjoined is a list of the delegates present:

### REPORT OF THE COMMITTEE ON CREDENTIALS.

The committee report that the following gentlemen are entitled to seats in this body from the counties designated, in the capacities herein set forth, whether as members of the General Assembly elected on the 23d of May, 1861, or as delegates appointed to this Convention, June 4th only:

### LIST OF DELEGATES BY COUNTIES.

*Alexandria County*—Henry S. Martin and James T. Close, delegates.

*Barbour County*—Nathan H. Taft and D. M. Myers, members of the House of Delegates, and John H. Shuttleworth and Spencer Dayton, delegates.

*Brooke County*—Joseph Gist, Senator, H. W. Crothers, member House of Delegates, and John D. Nicholls and Campbell Tarr, delegates.

*Cabell County*—Albert Laidley, member House of Delegates.

*Doddridge and Tyler*—Chapman J. Stuart, Senator, William J. Boreman, member House of Delegates, and Daniel D. Johnson and James A. Foley, delegates.

*Fairfax County*—John Hawxhurst and Eben E. Mason, delegates.

*Gilmer County*—Henry W. Withers, delegate.

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1. Albert Laidley did not remain at Wheeling. He went to Richmond, where he occupied a seat in the General Assembly, session beginning December 2, 1861, as the delegate from Cabell County. On the eighth day of the session his name was dropped from the roll of members of the Convention, he having declined to take the prescribed oath.—V. A. L.

- Hampshire County*—James R. Carskadon, Senator, and Owen D. Downey, George W. Broski, James H. Trout and James J. Barracks, delegates.
- Hancock County*—George McC. Porter, member House of Delegates, and John H. Atkinson and William L. Crawford, delegates.
- Hardy County*—John Michael, delegate.
- Harrison County*—John J. Davis and John C. Vance, members House of Delegates, and John S. Carlile, Solomon Fleming, Lot Bowen,<sup>1</sup> Benjamin F. Shuttleworth, and Charles S. Lewis, delegates.
- Jackson County*—Daniel Frost, member House of Delegates, and James F. Scott and Andrew Flesher, delegates.
- Jefferson County*—George Koontz, delegate.
- Kanawha County*—Lewis Ruffner, member House of Delegates, and Greenbury Slack, delegate.
- Lewis County*—Blackwell Jackson, Senator, and Perry M. Hale and J. A. J. Lightburn, delegates.
- Marion County*—Richard Fast and Fountain Smith, members House of Delegates, and Francis H. Pierpont,<sup>2</sup> Ephraim B. Hall, John S. Barns, A. F. Ritchie, and James O. Watson, delegates.
- Marshall County*—Remembrance Swan, member House of Delegates, and E. H. Caldwell and Robert Morris, delegates.
- Mason County*—Lewis Wetzel, member House of Delegates, and Charles B. Waggener, James Smith, and Daniel Polsley, delegates.
- Monongalia County*—Leroy Kramer and Joseph Snyder, members House of Delegates, and Ralph L. Berkshire, William Price, James Evans and Dennis B. Dorsey, delegates.
- Ohio County*—Thomas H. Logan and Andrew Wilson, members of House of Delegates, and Daniel Lamb, James W. Paxton, George Harrison and Chester D. Hubbard, delegates.
- Pleasants and Ritchie*—James W. Williamson,<sup>3</sup> member House of Delegates, and C. W. Smith and William Douglas, delegates.
- Preston County*—Charles Hooton and William B. Zinn, members House of Delegates, and William B. Crane, John Howard, Harrison Hagans and John J. Brown, delegates.
- Putnam County*—George C. Bowyer, member House of Delegates, and Dudley S. Montague,<sup>4</sup> delegate.
- Randolph and Tucker*—Solomon Parsons, member House of Delegates, and Samuel Crane, delegate.
- Roane County*—T. A. Roberts, delegate.
- Taylor County*—Thomas Cather, Senator, Lemuel E. Davidson, member House of Delegates, and John S. Burdett and Samuel Todd, delegates.
- Upshur County*—Daniel D. T. Farnsworth, member House of Delegates, and John L. Smith and John Love, delegates.
- Wayne County*—William Ratcliff, member House of Delegates, and William W. Brumfield and William Copley, delegates.
- Webster County*—Henry C. Moore<sup>5</sup>
- Wetzel County*—James G. West, member House of Delegates, and Reuben Martin and James P. Ferrell, delegates.
- Wirt County*—James A. Williamson, member House of Delegates, and Henry Newman and E. T. Graham, delegates.
- Wood County*—John W. Moss, member House of Delegates, and Arthur I. Boreman and Peter G. Van Winkle, delegates.

1. Lot Bowen resigned August 13, 1861, because of a connection with the Army, and was succeeded the following day by Charles S. Lewis.

2. Francis H. Pierpont, having been elected Governor, resigned August 19, 1861, and was succeeded by Ephraim B. Hall.

3. The name of James W. Williamson was, on the eighth day of the session, dropped from the roll of members of the Convention, he not having made his appearance since the beginning of the session.

4. Another delegate from Putnam County qualified and took his seat, August 12, 1861, but his name has not been ascertained.—V. A. L.

5. June 20th—ninth day of the session—Daniel Lamb, Chairman of the Committee on Credentials, reported that the credentials of Henry C. Moore had been examined, and he was found to be the duly accredited Delegate from the Election district comprising Webster and parts of Nicholas and Braxton counties.—V. A. L.



MR. PIERPONT, from the Committee on Permanent Organization, offered the report of that Committee, recommending the selection of Arthur I. Boreman, of Wood, for President of the Convention; for Secretary, Gibson L. Cranmer, of Wheeling, with power to appoint his Assistants; for Sergeant-at-Arms, Thomas Hornbrook, of Wheeling, with power to appoint a door-keeper or door-keepers and pages.

The Committee also recommend that before the President takes his seat he take the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof, as the supreme law of the land, anything in the Ordinances of the Convention which assembled in Richmond, on the 13th of February last, to the contrary notwithstanding, so help me God."

And that the President, after he shall have taken the oath, and before any other business is transacted, shall administer the said oath to each member who shall be, or has been, reported to this Convention as members thereof by the Committee on Credentials, only varying the form of the oath to suit the case.

On motion of Mr. Pierpont the report was adopted.

On motion of Mr. Carlile a committee of two was appointed to inform Mr. Boreman of his election and conduct him to the chair, and Andrew Wilson, Esq., of Wheeling, a Justice of the Peace, was requested to administer to him the oath.

MR. CARLILE and MR. TARR were appointed the committee, who conducted Mr. Boreman to the chair.

The President then returned his acknowledgments to the Convention in a brief and pertinent speech. In the course of his remarks he said: "This Convention was assembled under circumstances which knew no parallel in the past history of the country since the adoption of our Constitution. Then we were but a few in the land—in these colonies of the mother country. Our fathers met with opposition, but, few as they were, they determined to throw off the shackles which bound them. They did so successfully, and after a struggle of seven years, succeeded in obtaining from the world a recognition of their independence. They adopted a form of government under which we have gone on from that day to this, prospering and growing in greatness beyond anything that ever occurred in the history of any other nation either ancient or modern. But now in the middle of the nineteenth century we are awakened by the astounding announcement in one section of our country that we have no gov-

ernment worthy of our support, and the announcement is at once accompanied by a rebellion to throw off this government under which we have been so long happy and prosperous, and the inauguration of a system such as would never have been countenanced by our fathers. We of Western Virginia are asked to concur in this action. We are placed in a peculiar position. The Convention of Virginia at Richmond, so far as they have the power, have by the passage of an Ordinance of Secession withdrawn us from the Union of our fathers. They submitted their action to a vote of the people as they proclaimed it, but in a way that made that vote a mockery. The vote in form has ratified the Ordinance of Secession—thus in the estimation of that Convention withdrawing us from the United States of America. Under these circumstances Western Virginia is placed in a peculiar position.—The States north of us and some of the Slave States have made no effort by an official body to withdraw from the Union. States south of us have gone according to their opinions out of the Union. Elsewhere there are no efforts being made in any of them by any regularly constituted bodies to re-tian their places in the Union, while here in Western Virginia we have determined that by the help of Him who rules on high we will resist the action of that Richmond Convention, which has practiced upon us a monstrous usurpation of power, violated the Constitution of the country and violated every rule of right. We have determined I say, to resist it, and under this determination we are found here to-day to take definite action. If you gentlemen, will go with me, we will take definite, determined and unqualified action as to the course we will pursue. We will take such action as will result in Western Virginia, if not the whole of Virginia, remaining in the Union of our fathers: I am satisfied that the members of this Convention concur with me almost unanimously.

Then in this Convention we have no ordinary political gathering. We have no ordinary task before us. We come here to carry out and execute, and, it may be, to institute, a government for ourselves. We are determined to live under a State Government in the United States of America and under the Constitution of the United States. It requires stout hearts to execute this purpose; it requires men of courage—of unfaltering determination; and I believe, in the gentlemen who compose this Convention, we have the stout hearts and the men who are



determined in this purpose. The definite line of action to be pursued, it is not for me to indicate. Here are learned gentlemen, men of experience, who, no doubt, after deliberation will devise the course proper for us to pursue."

The oath was then administered to him, after which it was on motion,

*"Resolved*, That certain gentlemen, who presented themselves as delegates to this Convention, and who are not accepted as such by the report of the Committee on Credentials, shall be admitted to seats on this floor, not, however, to participate in the proceedings of this body."

The members then came forward by delegations to the stand, and took the oath of fidelity, which was administered to them by the President.

MR. CARLILE then submitted the report of the Committee on Rules, embracing the rules and regulations adopted by the Constitutional Convention held at Richmond in 1850.

On his motion it was adopted with an additional resolution, that two hundred copies be printed for the use of the Convention.

MR. DORSEY, of Monongalia, offered a series of resolutions for the purpose of eliciting, as he said, the opinions of the Convention in relation to the course to be pursued. He read them as follows:

*"Resolved*, That it shall be in part the business of this Convention, to make the requisite preparatory arrangements for the separation from Virginia and the formation into a new State, of such counties as are represented in this body, by delegates or otherwise, and are desirous of entering into the new State organization.

"2. That the said preliminary arrangements, when made by the Convention, shall, in compliance with the Constitution of the United States, be submitted for approval to the Legislature now convened in this city, as being the only loyal and legitimate Legislature of the State of Virginia; and afterwards, if approved by it, shall be submitted to the Congress of the United States.

"3. That this mode of meeting the present exigencies of Western Virginia, is preferable to that of reconstructing the Government of Virginia; inasmuch as it is equally legal and yet does not impose upon us the calamity of an overburdening State debt—no part of which we owe in equity—or the scarcely less disastrous calamity of repudiating that debt, and thus ruining the financial credit of the State."

MR. CARLILE asked Mr. Dorsey to withdraw his resolutions for the present. All knew his own sentiments, but many members were not yet prepared to entertain these propositions. They could, however, be entertained in a short time. He thought there were good reasons why the views entertained by them both should not at this time be pressed.

MR. DORSEY withdrew the resolutions.—All he had desired

was to elicit the opinions of the Convention that they might the better survey the field before them and prepare for action.

MR. CARLILE then submitted the following resolutions. He was sure the sentiments they expressed would receive the unanimous approbation of this body. He read them as follows:

RESOLUTIONS OFFERED BY MR. CARLILE.

*"Resolved*, that the thanks of the loyal people of Virginia are due, and are hereby tendered to the Federal authorities for the prompt manner in which they have responded to our call for protection.

"2. That we tender our thanks to Major General McClellan for rescuing from the destruction and spoliation inaugurated by the rebel forces in our midst, the people of North-western Virginia included within his military division.

"3. That the gallant and soldierly bearing of the troops from Ohio, and Indiana, who with our own gallant 1st regiment, commanded by Western Virginia's loyal son, Col. Kelley, have scattered the rebel forces in our midst, has won our admiration, and we gladly hail them as our deliverers from the ruin and slavery provided for us by the conspirators who have temporary possession of the power of the State.

"4. That we deeply sympathize with our fellow-citizen, Col. Kelley, in his sufferings from the wound received in our service, and earnestly pray that he may be speedily restored to perfect health, and again resume his command at the head of our own 1st regiment.

"5. That we utterly repudiate the heresy sought to be inculcated by secessionists, that it is an invasion of Virginia's soil for American troops to march to the defense and protection of Virginia's citizens, but on the contrary, we declare Virginia soil to be American soil, and free to the march of American soldiery and sojourn of American citizens, from all and every portion of American territory; and it is only by such recognition that the Federal authorities could discharge a plain Constitutional duty imposed upon them by the clause guaranteeing to each State in the Union a Republican form of government."

DR. LOGAN, of Wheeling, moved that the Secretary of the Convention be instructed to transmit copies of the foregoing resolutions to the President of the United States, to General McClellan, Brigadier-General Morris, and the Colonels commanding in the division of the United States Army in Northwestern Virginia.

It is moved to so amend that 500 copies be printed, to be transmitted as proposed, and the residue to be distributed among the soldiers.

DR. LOGAN objected to the amendment. He thought it would be an unnecessary expense. It became them as representatives of Western Virginia to practice rigid economy. He subsequently, however, accepted the amendment, and the motion as amended was adopted.

MR. CARLILE submitted a resolution as follows:

*Resolved*, That a Committee of thirteen members be appointed to pre- and report business for the Convention.



CHESTER D. HUBBARD, of Wheeling, moved to amend by adding all resolutions touching our State and Federal Relations, be referred to said Committee.

MR. CARLILE accepted the amendment and the motion, as amended, was then adopted.

The Convention then, on motion, took a recess until 2 o'clock,

#### AFTERNOON SESSION.

The Convention reassembled at the appointed hour.

The Chair announced the Committee on Business as follows:

COMMITTEE ON BUSINESS:—John S. Carlile, of Harrison, Daniel Lamb, of Ohio; Francis H. Pierpont, of Marion; Harrison Hagens, of Preston; P. G. Van Winkle, of Wood; Ralph L. Berkshire, of Monongalia; Daniel Polsley, of Mason; William J. Boreman, of Tyler; E. H. Caldwell, of Marshall; Daniel Frost, of Jackson; George McC. Porter, of Hancock; Daniel D. T. Farnsworth, of Upshur; William H. Copley, of Wayne.

THE CHAIR stated that the next business in order would be the reception of resolutions and other matters for the Committee on Business.

MR. DORSEY then called up the resolutions he had offered in the morning's session. They were read and referred to the Committee.

MR. PIERPONT submitted a resolution, which was adopted, as follows:

*Resolved*, That the President be requested to communicate with the clergymen of this city with a view to provide for opening the sessions of the Convention each day with prayer.

On motion of MR. CARLILE, it was ordered that when the Convention assemble next it be in the United States Court Room in the Custom House.

The Convention then on motion, adjourned to afford the Committee time to prepare business for its action.

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#### THE THIRD DAY,

THURSDAY, JUNE 13, 1861.

The Convention met at the appointed hour, in the United States Court-room, at the Custom House.

The sitting was opened with prayer by the Rev. Wesley Smith of this city.

The minutes of the previous day were read, and, after some trifling amendments, were approved.

On motion of Mr. Burdett, of Taylor, an opportunity was offered those delegates who had arrived since yesterday to take the oath. Several came forward, and the oath was administered to them by the President.

On motion of Mr. Burdett, the Committee on business was increased from 13 to 17 members, by the addition of the following gentlemen: James T. Close, of Alexandria county; John Hawxhurst, of Fauquier; James R. Carskadon, of Hampshire, and Mr. Crane, of Randolph.

MR. CARLILE: "The committee whose duty it is to report business for this Convention, after several hours of labor, have instructed me to report a declaration I hold in my hand. We would gladly have had more time for subjects so important, but anxious to show a disposition to discharge the duties imposed upon them, they have agreed upon this declaration, and will as rapidly as practicable, report further business for the action of the Convention, and hope all matter acted upon will be returned to them for engrossment."

MR. CARLILE read the following:

A DECLARATION OF THE PEOPLE OF VIRGINIA REPRESENTED IN CONVENTION AT THE CITY OF WHEELING, THURSDAY, JUNE 13, 1861.

The true purpose of all government is to promote the welfare and provide for the protection and security of the governed, and when any form or organization of government proves inadequate for, or subversive of this purpose, it is the right, it is the duty of the latter to alter or abolish it. The Bill of Rights of Virginia, framed in 1776, reaffirmed in 1830, and again in 1851, expressly reserves this right to a majority of her people, and the existing constitution does not confer upon the General Assembly the power to call a Convention to alter its provisions, or to change the relations of the Commonwealth, without the previously expressed consent of such majority.—The act of the General Assembly, calling the Convention which assembled at Richmond in February last, was therefore a usurpation; and the Convention thus called has not only abused the powers nominally entrusted to it, but with the connivance and active aid of the executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.

The Convention, by its pretended ordinances, has required the people of Virginia to separate from and wage war against the government of the United States, and against the citizens of neighboring States, with whom they have heretofore maintained friendly, social and business relations:

It has attempted to subvert the Union founded by Washington and his



co-patriots in the purer days of the republic, which has conferred unexampled prosperity upon every class of citizens, and upon every section of the country:

It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States, and required their submission to its pretended edicts and decrees:

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy, for offensive as well as defensive purposes.

It has, in conjunction with the State Executive, instituted, wherever their usurped power extends, a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud:

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government, and by organizing and mobilizing armies, with the avowed purpose of capturing or destroying the Capital of the Union:

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended Ordinances treason against the former.

We, therefore, the delegates here assembled in Convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises, and viewing with great concern, the deplorable condition to which this once happy Commonwealth must be reduced, unless some regular adequate remedy is speedily adopted, and appealing to the Supreme Ruler of the Universe for the rectitude of our intentions, do hereby, in the name and on the behalf of the good people of Virginia, solemnly declare, that the preservation of their dearest rights and liberties and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth, and that all acts of said Convention and Executive, tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and the offices of all who adhere to the said Convention and Executive, whether legislative, executive or judicial, are vacated.

J. W. PAXTON, of Ohio, submitted the following which was referred:

*Resolved.* That the people of Northwestern Virginia have long and patiently borne the position of political inferiority forced upon them by unequal representation in the State Legislature, and by unjust, oppressive, and unequal taxation, but that the so-called ordinance of secession, passed by the Convention which met in Richmond on the 13th of February last, is the crowning act of infamy which has aroused them to a determination to resist all injustice and oppression, and to assert and forever maintain their rights and liberties in the Union and under the Constitution of the United States.

MR. PAXTON said: "In considering matters that come before us for action here it is very difficult but very important that we all realize the actual existence of war—civil war. We must not forget, sir, that we are now engaged in a struggle for the nation's very existence; that our differences are not now being settled as hertofore at the ballot box, peacefully and quietly, but by the bayonet and at the cannon's mouth. You, sir, and I, and every American citizen this day are parties to this

struggle on one side or on the other—either as loyalists or rebels. And he who sympathizes with, who directly or indirectly, aids or encourages either side, is just as much a party to this war as if on the tented field itself. I assert, and in doing so appeal to all past observation and experience for my justification, and there is not, and there can be, no real neutrality; that assumed neutrality either by a State or by an individual is practical secession. It is well to remember this in coming to the consideration of our duties in this great emergency.

What is our duty? For what are we convened? What is expected of us by that patriotic and Union-loving constituency whom we represent, and who well know are resolved never to submit to the military despotism inaugurated at Richmond? Sir, they expect of us action. They not only expect but they demand prompt, decisive and organized resistance to traitors and to treason. Shall we disappoint them? Shall we disappoint not them alone but the just expectations of the whole country? No, sir. We are fully committed to the war of patriotism against treason; and I am very sure from the indications here that there will be neither faltering nor hesitancy now.

The time has come for action—for active resistance to the despotism that will overwhelm us surely if we remain tacit and inactive. Duty, patriotism, and even self-preservation demand that we shall now promptly recognize the responsibilities that have devolved upon us, and shall take action worthy of the occasion; such action as, in the language of the resolution I have offered here ‘will assert and forever maintain our rights and liberties in the Union and under the Constitution of the United States.’

Mr. President, we are now called upon to perform our part—and it is no unimportant one—towards the preservation and the perpetuity of this great Government.—We must and will be sustained in the effort by the whole force and power of the Federal Government. And, sir, we shall succeed in driving treason and rebellion beyond our borders. This, sir, is our mission.—Let us do the work.”

MR. HAWXHURST, of Fairfax, offered the following:

1. *Resolved*, That we recognize the Union sentiment, of the whole State as the proper basis of this body.
2. That when worthy Union men of the different counties of the State, who cannot have proper facilities for consultation and action, send delegates to this Convention, we will receive them and their as-



sistance in freeing the State from the rule of despotism that now oppresses a portion of them.

MR. CARLILE: "The Committee have instructed me to report a resolution, and I trust the gentleman will withdraw his, if this meet his approbation. It is as follows:"

*Resolved*, That the loyal people of the counties of this Commonwealth that have not yet appointed delegates to this Convention, or are not actually represented here, be, and they are hereby earnestly requested to appoint such delegates without avoidable delay.

MR. HAWXHURST withdrew his resolution.

MR. PIERPONT, of Marion, hoped every member would see the importance and propriety of adopting the resolutions of the Committee at once. He trusted after that was done, that effective measures would be taken to communicate the information contained in the resolutions, to those counties without delay.

The resolution was then adopted.

MR. FROST, of Jackson, offered a resolution more especially, he said, with reference to his section of the State. It is as follows:

*Resolved*, That for the better preservation of the peace of the citizens of Virginia, this Convention most earnestly requests all persons within her limits engaged in rebellious movements against the Federal Government, to desist from all such demonstrations and return to their allegiance; and that this Convention does peremptorily require all seditious assemblages to disperse, and all companies mustered into the service of the Southern Confederacy to be immediately disbanded.

The resolution was appropriately referred.

MR. CARLILE suggested that if there were no business before the Convention, it would greatly facilitate their objects to have the committees at work, and if agreeable, he would move to adjourn till to-morrow morning. He subsequently withdrew the motion to adjourn, and asked that a genral order be adopted that the committees have leave to sit during the sittings of the Convention, which leave was granted.

MR. BURDETT said a gentleman from Barbour was here with but partial credentials.—Barbour was a Union county, and the member of the Legislature from that county having run off with the secession army, he wished to enquire if it was not competent for this Convention to declare this gentleman the delegate elect to the House of Delegates from that county, and thereby make him a delegate to this Convention. He therefore moved

That this Convention declare Nathan H. Taft the delegate for Barbour county in the Legislature.

MR. FARNSWORTH, of Upshur, said the claims of the gentle-

man were now under consideration by the Committee on Credentials. Their report would be made shortly, and he asked respectfully that a little time be given them.

MR. BURDETT withdrew the resolution.

MR. LAMB, of Ohio, suggested to the gentleman from Taylor, that the proper course to pursue would be to pass Mr. Taft's credentials over to the Committee on Credentials. That would be the proper course in any instance of the kind.

MR. PARSONS, of Tucker, thought it altogether wrong to take the consideration of such matters out of the hands of the committee appointed for the express purpose of considering them.

MR. BURDETT said the gentleman from Tucker misapprehended his remarks. He believed it competent for this Convention to fill vacancies for the House of Delegates. There appears to be one in the county of Barbour. We have a right to indicate Mr. Taft as the Delegate, and receive him here as such; but I think it better for the committee to report on the matter first. I, therefore, move to refer the claims of Mr. Taft to a seat in this body, to the Committee on Credentials.

The resolution was adopted.

MR. FROST said that in glancing over the rules, he discovered that according to rule 21, select committees should be composed of not less than 5 nor more than 13. He called attention to the rule to prevent infringement. He thought, in view of the resolution offered by the gentleman from Taylor, and adopted by the Convention, increasing the Committee on Business from 13 to 17, it would be proper either to alter the rule, or reconsider the resolution by which the increase was made.

MR. VAN WINKLE moved to amend the rule by adding the words, "unless by authority of the Convention."

MR. LAMB suggested that it would be better to reconsider the motion.

MR. VAN WINKLE explained that the object of his motion was to legalize the action taken by the Convention this morning.

MR. BURDETT favored a reconstruction.

MR. VAN WINKLE withdrew his motion, and after some further discussion, a motion to reconsider the vote by which the Committee on Business was increased in violation of the rule, prevailed.

On motion of MR. LAMB, the 21st rule was then suspended.



On motion of Mr. BURDETT, the committee was then increased by adding to it the four gentlemen appointed under his former resolution.

THE CHAIR stated in justification of himself that the committee had been formed hastily, and without particular thought as to whether the members were from the east or west of the Alleghanies. It never occurred to him that he was omitting gentlemen from any one section of the State. The additional appointments on the committee, however, would remedy the omission.

On motion the Convention took a recess till 2 o'clock P. M.

#### AFTERNOON SESSION.

The Convention re-assembled at 2 o'clock. THE CHAIR stated that the first business in order, would be the reception of the reports of such committees as might be prepared to report.

There being no reports offered,

MR. FLESHER, of Jackson, said if there were nothing before the Convention, he would move to adjourn till to-morrow morning at ten o'clock

SAMUEL B. TODD, of Taylor, said he wished to ask leave of absence of the Convention for a few days. His private affairs rendered it necessary.

On motion, leave of absence was granted him.

MR. FLESHER, of Jackson, then renewed his motion, and the Convention adjourned.

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#### THE FOURTH DAY,

FRIDAY, JUNE 14, 1861.

The Convention met yesterday at the usual hour and was opened with prayer by Rev. David Hervey.

The minutes of the preceding day were read and approved.

COL. KRAMER, of Monongalia, who was present for the first time, came forward and took the oath of office.

MR. CARLILE, from the Committee on Business, reported the

following Ordinance: On his motion it was ordered to lie on the table and be made the order of the day for to-morrow at eleven o'clock.

# AN ORDINANCE FOR THE RE-ORGANIZATION OF THE STATE GOVERNMENT.

The people of the State of Virginia, by their delegates assembled in Convention at Wheeling, do ordain as follows:

1. A Governor and Lieutenant-Governor for the State of Virginia shall be appointed by this Convention to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office until their successors be elected and qualified.

2. A Council, to consist of five members, shall be appointed by this Convention to consult with and advise the Governor respecting such matters pertaining to his official duties as he shall submit for consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the Governor.

3. The Delegates elected to the General Assembly on the twenty-third day of May last, and the Senators entitled, under existing laws to seats in the next General Assembly, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices for the terms for which they were respectively elected. They shall assemble in the city of Wheeling on the ——— day of ——— and proceed to organize themselves, as prescribed by existing laws, in their respective branches. A majority in each branch of the members qualified as aforesaid shall constitute a guarantee to do business. A majority of the members of each branch thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-seventh section of the fourth article of the Constitution of the State.

4. The Governor, Lieutenant-Governor, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the Judges and Clerks of the several courts, Sheriffs, Commissioners of the Revenue, Justices of the Peace, officers of city and municipal corporations, and officers of militia and volunteers of the State not mustered into the service of the United States shall each take the following oath or affirmation before proceeding in the discharge of their several duties:

I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the Supreme law of the land, any thing in the Ordinances of the Convention which assembled at Richmond on the 13th day of February, 1861, to the contrary notwithstanding; and that I will uphold and defend the Government ordained by the Convention which assembled at Wheeling on the 11th day of June, 1861, and the Legislature, Governor and all other officers thereof, in the discharge of their several duties as prescribed by the last mentioned Convention.

5. If any elective officer who is required by the preceding section to take, said Oath or Affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy, at some convenient and early day to be designated in said writ of which due publication shall be made for the information of the persons entitled to vote at such election, and such writ may be directed, at the discretion of the Governor, to the Sheriff or Sheriffs of the proper County or Counties, or to a special Commissioner or Commis-



sioners to be ordered by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed otherwise than by election, the writ shall be directed to the appointing power, requiring it to fill the vacancy."

He also from the same Committee reported back the resolution submitted by Mr. Frost, of Jackson, on Thursday, commanding the dispersion of seditious assemblages, &c., with the recommendation that it pass.

On motion, the question was put and the resolution adopted.

MR. LAMB, from the Committee on Credentials, reported that John Love, of Upshur county, had presented proper credentials entitling him to a seat in this Convention from that county, and he moved that his name be entered upon the roll as such.

The report as far as made was adopted. Mr. Love's name was entered upon the roll, and he came forward and was qualified.

MR. LAMB—"The Committee also instructed me to report that Nathan H. Taft is entitled to represent the people of Barbour county as one of the delegates in this Convention, in the place of Spencer Dayton, who has been heretofore admitted as a member." He moved that Mr. Taft be received in place of Mr. Dayton.

MR. STUART, of Doddridge, wished to know some of the facts in the case. He was aware that the Committee had the power to displace a member already qualified. He thought such action irregular.

MR. LAMB said the facts were briefly these:

"The appointments in that county had been made by subscription. Mr. Shuttleworth was upon all the subscription papers presented to the Committee. When we first acted upon the case and presented that roll of members to the Convention, Mr. Taft had not his papers to lay before us. We therefore presented the name of Mr. Dayton, because his was the only second name appearing upon the papers we had to act upon. Mr. Taft, upon due notice to Mr. Dayton, has since brought forward his papers, and it appears now by the whole of the papers which we now have before us, that Mr. Taft is appointed to represent that county, by a larger number of citizens than Mr. Dayton. Mr. Shuttleworth is unanimously appointed, and the county is entitled to but two members.

MR. STUART renewed his objection on the ground of irregu-

larity. Mr. Dayton had been qualified, and there should be some regularity in the mode by which he should be displaced.

MR. LAMB referred to the proceedings of the day before. The claim of Mr. Taft had been regularly referred to the Committee. A consideration of it necessarily involved a contest with Mr. Dayton. Under order of the Convention, it was incumbent on the Committee to report on the respective claims, and they had done so.

MR. STUART said he had understood the resolution of yesterday (submitted by the gentleman from Taylor) to express that Mr. Taft should be entitled to take his seat as a representative in the Legislature, and not whether he or Mr. Dayton should take a seat here as delegate to this Convention only.

The Secretary read Mr. Burdett's resolution. It is as follows:

"That Nathan H. Taft be admitted to a seat in this Convention, as the delegate from Barbour county to the Legislature."

MR. BURDETT said that at the time he submitted that resolution, he was not aware that Mr. Taft had credentials showing him regularly elected. He had not offered it to give Mr. Taft a seat in preference to Mr. Dayton, but he thought the Committee on Credentials had full power to determine and decide who are delegates to this Convention, particularly with the concurrence of this body itself.

MR. FLESHER, of Jackson, inquired if they could both hold seats in the Convention.

THE CHAIR said that was a matter for the Convention to decide.

MR. MOSS, of Wood, moved as a substitute for the report of the Committee, that the office of delegate to the House of Delegates for Barbour county be declared vacant, and that Mr. Taft or Mr. Dayton be declared such delegate.

MR. CARLILE said there was no power in the Convention to appoint a delegate for the county of Barbour. Neither was there any power to increase the number of representatives to which she is entitled on this floor. He trusted the gentleman from Wood would withdraw his motion, and allow the report of the committee to be adopted.

MR. DAYTON, who was present, took occasion to express his willingness to acquiesce in the action of the committee. He had come here determined that Barbour should be represented, and



without being aware that any gentleman except Mr. Shuttleworth would be here. There was no contest between himself and Mr. Taft. He would already have resigned in favor of that gentleman (having since his arrival here become acquainted with his superior claims) but that he should have been subjected on his return home to the imputation of having shrunk from taking part in the action of the Convention. He desired, therefore, that when he retired that it might be by the action of the Convention. With this explanation he would let the matter rest.

MR. MOSS withdrew his motion.

The question was taken on the report of the Committee, and it was adopted.

MR. PAXTON moved to reconsider the vote by which, a few minutes since, the report of the Committee on Business was made the special order for to-morrow at eleven o'clock. The printed report could not be in the hands of the members before that hour. He wished to substitute a later day.

MR. CARLILE remarked that the suggestion met the concurrence of the committee. He hoped a later day would be named.

The question was put and the vote reconsidered.

MR. PAXTON then moved that the ordinance reported by the Committee on Business be made the special order for Monday at 11 o'clock.

MR. CRANE, of Tucker, moved to amend by substituting Wednesday for Monday. He was obliged to absent himself till that time, and was very desirous of being present when the consideration of the ordinance came up.

MR. PAXTON accepted the amendment and the motion as amended was concurred in.

The order of the day was called.

MR. LAMB moved to suspend its consideration until the Committee on Credentials could conclude their report.

The order being suspended,

MR. LAMB said that he had been instructed additionally to report that Wm. F. Mercer, of Loudon county, claims a seat in the Convention; that the Committee regard the credentials offered by Mr. Mercer as insufficient and so report to the Convention. He asked that Mr. Mercer himself be heard.

MR. MERCER spoke at some length in support of his claims.

MR. CARLILE read the credentials of Mr. Mercer, and made some remarks [in] refutation of his claims and urging that the duty of the Convention required them, however much their sympathies might be enlisted, to strictly require that none but such as were regularly appointed should be received as delegates.

MR. STUART supported Mr. Mercer's claims in a few remarks.

MR. BURDETT submitted a motion that the gentleman from Loudon should be declared a delegate of this Convention; which he afterwards withdrew.

The question on the adoption of the report of the committee was taken and the report was adopted.

MR. CARLILE read to the Convention an invitation for them to attend a strawberry festival given by the Union ladies of Wheeling in the evening, at Washington Hall. He hoped all would go.

He also announced that the Central Committee, appointed by the May Convention, had taken such steps as enabled them to announce that 2,000 stand of good arms had been procured, 500 of which arrived in the city to-day, and the other 1,500 to be here this evening or in the morning.

The order of the day was then again taken up.

On motion of Mr. Dorsey it was postponed until 2 o'clock P. M.

The Convention then took a recess until 2 o'clock.

#### AFTERNOON SESSION.

The Convention assembled at two o'clock.

MR. HAGANS asked and obtained leave to introduce the following resolution:

*Resolved*, That, in consideration of the peculiar circumstances that have surrounded our loyal brethren of Loudon county, as well as of their geographical position, this Convention now extends to them a cordial and special invitation to accredit and send their number of delegates as soon as possible, and that Wm. F. Mercer be made the medium of this invitation.

The resolution was adopted.

MR. TAFT, of Barbour, then went forward and took the oath of office.

THE CHAIR then announced the order of the day to be the Declaration reported by the Committee yesterday. The question is on its adoption.

MR. DORSEY, of Monongalia, said he had no special objection to this Declaration of itself. He thought there was an error or an inadvertence in the wording of one sentence:



“The act of the General Assembly, calling the Convention which assembled at Richmond in February last, was therefore a usurpation; and the Convention thus called has not only abused the powers nominally entrusted to it, but, with the connivance and active aid of the executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.”

This sentence gave peculiar force to the one which preceded it, which reads thus: “The Bill of Rights of Virginia, framed in 1776, re-affirmed in 1830, and again in 1851, expressly reserves this right to the majority of her people, and the existing constitution does not confer upon the General Assembly the power to call a Convention to alter its provisions, or to change the relations of the Commonwealth, without the previously expressed consent of such majority.” Taken in connection with the one first read, this seems to mean with the previously expressed consent of such majority, the General Assembly has the power to change the relations of the Commonwealth, and if that means the *Federal* relations, this is a virtual concession of the doctrine of secession. The objection however, which he had to this document related to its connection with other documents reported to this Convention by the Committee on Business, as being a part of a systematic plan which had been prepared by the committee reporting the declaration—a plan which he objected to and to which he would report his objections.

MR. CARLILE: I thank my friend from Monongalia for allowing the committee an opportunity to explain, and show, if we can, that the language referred to is not justly subject to the criticism to which it seems to have been exposed. Before he enters upon substantial objections he has kindly consented that we shall be allowed to perfect the Declaration.

I think, Sir, upon a careful reading of the Declaration gentlemen will see that there is nothing in the world squinting towards the heresy of secession, in the slightest degree. The right spoken is the right of the people to alter or abolish their government. No man doubts that right; it is as old as liberty itself. It is a right that any and every people have, successfully if they can, to resist a government which they believe to be oppressive or unsuited to their wants. If they succeed in their efforts they are patriots, if they fail they are rebels. It is the right of revolution.

The people of Virginia in establishing themselves a government

deemed it best that it should be divided into two parts, if I may use the expression, and you will allow me to use language which I understand, and which all can understand. What is government? It is an agent. All governments are the agents of the people governed; and the people of Virginia in establishing government for themselves deemed it best to create two agents. The Federal Government is one, and the State Government is the other; and they have expressly declared that the acts within the limits of the attorney that the acts of the federal agent, within its powers, limited and defined by the instrument creating his agent, shall be supreme. Any act done or performed by the State agent in conflict with the powers conferred upon the Federal agent is to be null and void.—Thus it will be seen that within the powers conferred the federal agent is supreme, independent of, and above the State agent. Hence the doctrine of Mr. Clay when he said: “I owe a supreme allegiance to the Federal Government, a subordinate one to my own State.”

The State agent, as to the exercise of its power, is wholly independent of the Federal agents. The Federal agent can exercise no power other than that conferred upon him by the instrument creating him. The State agent can exercise all power that the people themselves were they personally present could exercise, which is not forbidden to be exercised by it, in the Constitution creating it. There is the distinction between the two agents.

How was the Federal agent created? The State agent was created solely and alone by the people of Virginia themselves; it is responsible to no one else, derives its powers from no one else; is the creature of the people of Virginia alone.

The Federal agent is the creature of all the parties to the Federal compact. The people of Virginia agreed with the people of the other twelve colonies—there were but thirteen at the time—agreed with them that in connection with them they would create this common agent for common purpose, and the discharge of common duties. And how was that agent created in each one of the States? In their sovereign capacity, in convention assembled, ratifying and approving the instrument creating the agency known as the Constitution of the United States. That very instrument provides for its own alteration, amendment or change. On the application of two-thirds of the principals creating it, amendments can be proposed to it and changes effected, which will become a



part and parcel of the original act itself, when ratified by three-fourths of the principals through their legislatures or in their conventions assembled.

Now, 'Sir, what is this clause to which reference has been made? It merely asserts what all know to be true, that the Bill of Rights declares that this State agent which we have created, cannot change the agency itself, as defined, limited and prescribed by the instrument creating the agency, the Constitution of Virginia; that no agent, created either mediately or immediately, directly or indirectly, can affect, change, alter, or abolish the powers of the agent, either direct or indirect. That can only be done by the people creating the agents—therefore, we say that when this one of these agents—the Legislative Department of the State Government—assumed to itself the power to convene an assembly known constitutionally as embodying the sovereign power of the whole people of the State, they were guilty of an usurpation. And thus the legitimate inference to be drawn is that they have by this usurpation forfeited their agency and our power under the instrument; that this act which they assumed to do is in violation of authority conferred upon them by the instrument establishing them as the agent, and therefore void; and that such power can only be assumed by the principal himself, the sovereign people of Virginia.

MR. DORSEY: Will the gentleman from Harrison county permit me to ask a question? What "relations" are meant in the clause? Or how "change the relations of the Commonwealth?"

MR. CARLILE: I am coming to that. If the Constitution of the United States, providing as it does, for its own amendment and change, should be by the constitutional number of States so changed as to effect the present relations which Virginia has to it, and give it another and different relation, and the people of Virginia shall ratify that amendment in convention as they ratified the constitution itself, or through the Legislature in the manner prescribed by the Constitution, I would like to know if they have not the right to do it? Sir, I hope to see the relations of Virginia changed before many years. If peace shall once more be restored to this once happy land, I trust that among the first acts of the people of the States will be to convene a National Convention which shall, if it do nothing else, change our relations so far as treason is concerned. I want to see a little more stringent provision on that subject. I want that which goes to destroy the per-

petuity of our government, whether it be an overt act or not, to be punished as treason. That is all, Sir, this Declaration means. It may be meant to cover the great right never denied—the right which is dear to every freeman—the right of revolution—the right which our fathers exercised and asserted successfully upon the fields of Yorktown and Bunker Hill. But was never intended—and it cannot be made to appear by a fair construction—that the convention assembled for the purpose of putting its foot upon this heresy of the constitutional right to withdraw from the Union and destroy a government, could or does express a recognition of that very right which it holds does not exist. It never can be supposed that a convention assembled for that purpose could or would by any inference in any line that it might adopt, recognize the right of secession.

Now, if the gentlemen will address themselves to the task of employing better language, less objectionable or open to the criticism than that which is employed in the Declaration, to express the ideas which we all desire to enforce, the Committee, I am authorized to say, will feel gratified to this Convention if they will do it. But, Sir, in the limited time that was given to us from the adjournment on Tuesday to the meeting on Wednesday, after a night's reflection, after careful revision, writing and re-writing by different hands—the language that is found in the declaration was employed; and I believe it is to be not only happy, but the best that can be employed in any reasonable time by this body.

The relations of this State to the Federal Government can be constitutionally changed—will be, I trust, constitutionally changed, and will result in saving two ages that are to come after us, I trust, from the destruction that now threatens our beautiful system of government.

MR. DORSEY. of Monongalia. The remarks explanatory of the clause in this Declaration, are to my mind sufficiently clear; and perhaps as they will go forth with this declaration, they may be sufficient explanation of it. I shall not therefore urge my objections. In fact it was a mere passing remark I made.

The remarks, however, Mr. President, that I presume to make are more in reference to the relation that this document sustains to the other documents which have already come before the Convention, and others which they indicate will come before it, than in reference to the language of the declaration itself. This is



part of a plan, a part of a systematic arrangement that is to be proposed for the action of this body; and in making reference to it, it may perhaps be well to put it in comparison with another plan that has been spoken of frequently, and by some members at least earnestly.

The plan proposed by the Committee is, if I understand it, first to declare that the offices in the State of Virginia are vacant, then to proceed to make arrangements for filling those offices; then to proceed step by step to the other arrangements necessary for the reconstruction of the Government of Virginia.

The other plan alluded to, and which was indicated, rather than drawn out in full in my resolutions submitted on Tuesday is to go as far in this other plan as is necessary; to call together the legislature of the State of Virginia, and then to submit to that legislature the proposition of separating Western Virginia from Eastern Virginia and establishing a new State Government.

Now, the principle, you will observe, Mr. President, in each of these cases is the same. The principle upon which this Convention will act in either case is the same. The principle upon which the committee proposes to act is this: All power is vested in the people. They are the sovereigns in this Government; they have delegated their power, however temporarily, to certain servants. Those servants have proven to be unprofitable servants, and now the people propose through the medium of their Convention to call other servants to attend to their interests. The Legislature that may be convened for that purpose of attending to those interests, may be convened during the sitting of this Convention—consists of those servants. The people propose now that the interests belonging to them shall be put into the hands of that Legislature. The same principle prevails in the other proposition. We begin as they begin and proceeded thus far as they proceeded; but we do not propose that this new State organization shall continue permanently in operation. I repeat the principle is the same in either case; and unless we assume that principle this Convention can do nothing at all—would have no authority to do anything at all. It is on that principle that it has been assembled; on that principle it has been acting, and upon that I propose to act in the future in all its deliberations.

Another matter is that the legality in either case is the same. I have heard much private conversation and much public discus-

sion in regard to what the general government will recognize and approve. Now, Sir, the general government can recognize the one plan as readily as the other. The *Wheeling Intelligencer* has admitted that. Gentlemen who are advocating this plan—gentlemen who have proposed this plan to the committee, and gentlemen on the committee who have been favoring it acknowledge that; and it is generally believed by those who understand anything about the views of the loyal people of the United States, and who can guess at the views of the Administration—it is generally believed, if not fully understood, that the general government will recognize anything that Virginia shall do to keep herself in the Union, and at the same time preserve peace and order within her borders. Wherever there is illegality in the one plan there is in the other. Wherever there is an over-riding of technicalities in the one there is the same in the other; and I wish just here to call attention of those who may defend the plan that is before the convention in part—I wish to call their attention to this point, to say, if they can, that the Administration will probably reject the one plan and receive the other. I admit indeed that there are abundant indications that the Administration would prefer the plan that is proposed by this committee. I see the indications in the newspapers, and hear them in private conversation. But are we to infer from that that the general government will not recognize our plan at all if adopted by us? The Administration has a certain plan before it as a plan of operation. This may, if adopted, be made a special plan to these operations—an agent, an instrument in the hands of the Administration to accomplish its purpose more readily perhaps than it could without such a plan. That is admitted by the advocates of a division of the State, but we insist that the general government will also adopt our plan if we do not see proper to adopt the other plan.

It is a revolutionary movement altogether. Both plans are revolutionary; and if the General Government can recognize one, it can the other. I may say that I know from private conversations with those who know something about the views of the Administration, that they expect us not to quibble about technicalities, not to be squeamish about little points of law, in our action in this convention; and if we are afraid of little points of law; if we are squeamish, really, about these little technicalities, it is time for us to begin to tremble already. We have already done acts which



viewed in the light of formal law, are treasonable. It requires boldness to enter into a revolutionary project of this kind, and if we have it in the one case, we ought to have it in the other. When we have already committed a revolutionary act, we ought to consider what lies before us, in view of our own local interests, as well as in view of the general interests of the country.

Now, I ask the question, What shall decide us between these two plans that have been proposed? The legality cannot decide us, because they are equally legal; and I think the gentleman who will advocate this plan before the Convention, will admit this—admit it as the *Intelligencer* has done. Legally, indeed? We propose to do something in due form of law, and yet we have already trembled about the forms of law, and not only that, but we propose to override all forms of law in carrying out the plan that is now proposed by this committee. It is the understanding, though not formally proposed in the report of that committee, that we shall overhaul the Constitution of Virginia, change its provisions, make such arrangements in the change of those provisions, as will enable us to carry out this project of reconstructing the State Government. In fact, the project itself is a change of the Constitution of Virginia as to some of its specific laws.

Well then, shall the simple consideration of the expectation of the United States, and the desire of the Administration indicated in a variety of ways, decide us as between these two plans that are proposed to the members of this Convention? I admit, Mr. President, that there is some force in the proposition that is made. I admit there is some propriety in the accomplishment of the object which the administration propose to accomplish by the action of this Convention, in accepting the plan proposed and suggested by the committee. I can see that the design is to introduce this same plan in all the border States. The design is, as rapidly as the troops advance to establish a similar government to this proposed in the report of the committee—establish a simple government and call on the local Union men of the Commonwealths in the various States, to rally around the government. I see it will have a mighty moral influence in the border States in which such government shall be established, and also on the States still further South. But then here I ask that the Administration shall not solicit us to do that, while we have local interests embarrassing us of such a character. If we had no complication of interests in this matter, it might be

kind, prudent and appropriate, for the Administration to request us indirectly, as it has, to take such action. But, Sir, if this action anticipated is the desired thing—if the effort of this new project upon the border States and the States South of them, is the desirable thing, I suggest that Western Virginia shall be separated from Eastern Virginia, and then that Eastern Virginia, as pressure is removed, shall enter into this enterprise, and establish a provisional government, and set the precedent the Administration desires this Convention to set. They have no local difficulties pressing upon them as we have. Let *them* attend to that matter. And especially is it proper they shall do it, because it will not only not embarrass them in their local interests, but will greatly advantage them.

I believe the interest of Western Virginia ought to decide as between these two plans, and I think so especially because this whole movement was professedly inaugurated for its benefit. I remember the gentleman from Harrison justly boasted that he was the author of this whole movement, and he defined his design to be in its inauguration to separate Western from Eastern Virginia. Now, Sir, at that time that Convention which assembled on the 13th of May, did not see proper to make arrangements for the separation. They could not at that time decide upon the proper policy for that purpose. They thought the proper policy was to call together a general Convention. For what purpose? To carry on the original design of the author of the resolutions that had brought them together. If so then, Sir, are we now to turn about and receive and adopt a plan here which will ignore the special interests of Western Virginia and will tend to the general interest of Virginia as a whole? I know, Sir, the anticipations of Western Virginians would be disappointed should we go home to them and they ask us “What plan have you adopted for dividing the State?” And we should throw down to them this plan of the Committee. I know that the constituents I have the honor in part to represent will be seriously disappointed.

Now, Sir, it seems to me that if we were in earnest, if we were sincere in the original movement we will take such action in the premises in the present Convention as will secure a separation of the State. I need not speak here, Sir, of the necessity of that project. I need not speak of the necessity, the dire necessity of separating Western from Eastern Virginia. Gentlemen here are all fully ac-



acquainted with the history of the case. They all know and appreciate that necessity. But I want to know now, Sir, if after having initiated a movement for the purpose of meeting the necessity we are to turn about and inquire the necessity which all know we have been making preparations to meet. The present plan, it seems to me, Mr. President, will not meet the exigency. It will not secure the division of this State.

It is a well known fact, and I need only utter it merely to connect my remarks, that the General Government intends to whip in Eastern Virginia. And we all believe it will whip her in.

Well, now, meanwhile, we set this projection on foot and establish this seat of government of the State of Virginia; and when Eastern Virginia is whipped in she forms a part, and her citizens will take a hand in this government. The question then will turn upon who is the majority, who is in the minority. The interests of Eastern and Western Virginia are entirely antagonistic. There is an "unnatural connection" between them and us. They will of course keep us down, as they have already done, if it be possible to for the purpose of meeting their little bills. It is very convenient to have somebody for this purpose. They will burden us as they always have done. That they have the majority is evident when we remember that all the Southern portion of Western Virginia, considering the Blue Ridge as the line, sympathizes with Eastern Virginia.—Their interests are the same as hers. They lie along the line of Tennessee and Kentucky, connected with Eastern Virginia by railroads. That section of the country is filled up with persons who emigrated from the Eastern part of the State, and their sympathies are all there. Unless we in Western Virginia are a united people, it is impossible for us to carry out this project. I insist that we shall not enter into a plan to put ourselves at the mercy of Eastern Virginia and our neighbors who sympathize with her, any more, and I propose therefore that this plan shall proceed just so far, with the understanding that immediately as soon as Congress has taken action on the case, or as soon as the Administration has recognized this government that is proposed to be set up, a separation shall be made. And I make these remarks, Mr. President, more for the purpose of committing this convention to the design, than for the purpose of objecting to this plan of itself considered. I do not object to the legality of it, or the principle upon which it proceeds, or any formal arrangement, except the verbal one I mentioned. They are all legal as we can get.

But I object that no provision has been made, specific and definite, for the separation of Virginia, Western from Eastern, just as soon as it is possible to do it, and come as near meeting the technicalities as the nature of the case will allow.

In a word, Sir, I deem that the separation of Western Virginia from Eastern is the paramount object in the minds of Western Virginians; and I hope, Sir, indeed I believe, that that is a paramount object in the minds of a majority of the members of this convention. What I want is, that they shall explicitly say so, inform, if they choose; or, if not then, in the formal documents that are being successively presented by this committee; or they should do it in a specific resolution; or, if not in that way, they should say so in debate.

Now, Sir, if this government be established as proposed in the report of the committee it will gain an impetus which will urge it forward, and keep urging it forward, and I want to know, Sir, the specific time at which this government may be arrested to the consideration of this proposition of a separation of Western from Eastern Virginia. I want a specific time, and I want to say to you, Sir, and to this convention today, that I shall not vote for a single proposition proposed by that committee—a single provision that shall come up before this Convention looking to the establishment of a provisional government, looking to the reconstruction of the government of Virginia, unless I can see clearly that there is a distinct intention in those arrangements to separate Western Virginia from Eastern Virginia; and I think I speak at least for a majority of the delegation of Monongalia in saying that they will not do so either, unless that ultimatum be secured by some definite action beforehand, or at least as I said before, committing the majority of this Convention in discussion. If such an indication as that may be made I shall, to use a familiar term, hold up both hands for their ordinance that has been proposed and all that shall hereafter be proposed, looking to the accomplishment of that design.

MR. VAN WINKLE, of Wood, followed Mr. Dorsey. He took substantially the grounds occupied by Mr. Carlile, in favor of re-organizing a government for the whole State, and in opposition to Mr. Dorsey, who had favored the immediate division of the State. In the course of his remarks he said, however: "I have been long convinced, Sir, that every interest of N. W. Virginia demands a separation from the East, and under other circumstances I believe



such a separation ought to be effected in a friendly manner." But he urged they could not now know where the boundaries of a new State could be run, and he never could consent to go and leave behind the people of those loyal counties that were not yet represented here in the Convention.—"Whenever the time comes I am willing to do everything to effect a separation.—I admit that everything is in danger, still there is something like a moral obligation, a pledged faith, and I cannot consider it in any other light than that we are bound by this single county of Loudon, and by the other loyal counties now in possession of the secessionists."

MR. CARLILE said: "I think, Sir, that a moment's consideration will satisfy this Convention that upon this question there is at least no difference of opinion between the advocates of a separation of this State. If I may be allowed, I can claim some credit for my sincerity when I say that it has been an object for which I have labored at least since the year 1850. The Convention that met in Richmond in that year and adopted our present State Constitution clearly disclosed, to my mind, the utter incompatibility consistent with the interests of the people of Northwestern Virginia of remaining in a connection with the Eastern portion of the State. And, Sir, the first favorable opportunity that discovered itself to me for effecting that separation was in the Convention that met in this city in May last. And I appeal to members who are present and who were members of that Convention to say if I did not zealously press that measure. Why did I do it? For the reason which I then stated—for the reason that now prevents me doing it. I then stated that we were still citizens of the United States according to even the theory of the disunionists; that a separation could be effected then by the provision of the United States Constitution providing for it, but when the 23rd of May came and went the sun had set behind the hills in the evening of that day we would be transferred according to the theory of the secessionists to another and different confederacy, and would be deprived of the Constitution of the United States, and the mode and manner in which a separation could thereafter be effected under the authority of these Secessionists by virtue of that transfer could only be by treaty and recognition; that although all Virginia should agree to the separation, yet she would have to obtain the consent of the Southern Confederacy expressed in accordance with the Constitution which she had adopted for its government before we could be allowed to transfer

ourselves to what they would then call another, a different and hostile government. I saw difficulties innumerable and insurmountable if we did not act then. But the wisdom of that body thought otherwise and I gracefully, as I should, bowed to its decision.

Now, Sir, where are we? I call the attention of my friend from Monongalia, and I tell him if he beats me in this race of separation he will have to be swifter than I think he is. We have no legislature now. And mark you it is only by the assent of the legislature a separation can be effected. The people themselves through their representatives assembled cannot assent to a separation. It can only be done as is provided in the Constitution of the United States by the assent of the Legislature of the State. Now, Sir, have we a Legislature? Governor Letcher would say that we have; and its members will be sworn to support the Constitution of the Southern Confederacy. Then you see we can never effect a separation in the manner in which we should have accomplished it.

Now, Sir, let us pursue the policy laid down in the Declaration, and let us repudiate Letcher and his transfer; let us assemble a Legislature here, of our own, sworn to support, not the Southern Confederacy Constitution, but that which Washington and Madison formed, the constitution of our fathers, under which we have grown and prospered, as never people grew and prospered before. Let us maintain our position under that tree of liberty, watered by the blood and tears of the patriots of the revolution—planted by them, its roots having taken deep hold and firm hold in the hearts of a great people, and having from a little spot on earth spread from the Atlantic to the Pacific, embracing, I might say, a continent, and spreading its branches of protection over the whole unbounded land.

Let us organize a Legislature, swearing allegiance to that government, and let that Legislature be recognized by the United States Government, as *the* Legislature of Virginia.

Then we have still a direct recognition of the protecting care of our ancient government, and then we will effect this separation. But now, with no Legislature recognized as owing allegiance to the Constitution of the United States, we could not do it. But with the Legislature recognized as still the Legislature of the State; with Virginia in the Union; with a Legislature recognized by the Government of the United States and with its assent to our sep-



aration, our way is clear. If the Southern Confederacy dares to interpose, we have the strong arm of that same old government to be thrown around us, and to shelter us from harm.

Let us then go on as we propose. Let us be recognized as the true and lawful authorities, speaking for and on behalf of the loyal people of the whole State of Virginia. Give us that recognition, and then the separation will come. And I here say that one of the first acts I shall perform, if no one else does it—and I believe it a duty I owe to the people who have honored me with a seat in Congress, will be to obtain from that body a legislative declaration recognizing this Legislature you will assemble here, as the Legislature of the State; and then let my friends, the representatives, assent to it, and my word for it, we will be the State of New Virginia.

It is a mere question now, of whether we shall wait until we are solemnly recognized as the true, legal, constitutional representatives of the people of Virginia; or whether we shall now attempt an impossibility—for every man who will reflect a minute, will know that until rebellion is crushed, no assent will be obtained for our separation from the rebellious portion of this State.

But, Sir, there is another object which I have at heart. Two great objects influence and govern my actions. The first, I am free to say, the dearest, the highest, and the nearest to my heart, is the perpetuity of the Union.

Keeping forever undimmed the thirty-four stars that now deck the constellation of our national ensign, adding to them as we have done, star after star—when that is done—when safety and perpetuity are again secured to that flag—then we can consider our own State interests; then we can consider the interests of our own immediate section of this State; but until then, we owe it to our loyal brothers throughout the length and breadth of this great land to stand by them and aid them in resisting a crime, the greatest that has ever been attempted to be perpetrated on humanity. Let us do this, succeed in this, and we will succeed in all we desire in a very short time. Let us bring peace again to our Loudon, Alexandria and Hampshire friends. Let our brothers over the mountains through our aid and assistance, and that of this great and good government of ours, again see harmony throughout the land; again sit around their hearthstones with their families, and again instill the quiet hours of peace the lessons the Father of

his Country has bequeathed to us in his farewell address. Then we may say to them: "We love you still as brothers, but your interests and ways and ours are diverse. Let this line be drawn between us. We will have two separate and distinct sovereign States, but, brethren, we will all be American citizens!"

MR. NICHOLLS, of Brooke, succeeded. He favored the plan of the Committee.—Among other things he said: "The people of Brooke feel in relation to a division of the State like my friend from Monongalia. They feel that they have no identity of interest with the eastern part of the State, and have long sought to effect the purpose indicated by that gentleman. But we feel at the same time that owing obligations to the Constitution of the United States as the supreme law of the land, there are steps that cannot be taken at this preliminary stage of the proceedings. We owe constitutional obligations to the Federal Government. Where would we of Western Virginia have been to-day but for the protection of the Federal Government. We must consider whether our acts will contravene the acts of the Federal Government. We cast off our allegiance to the Southern Confederacy; we do not care for their protection, but we do care for the protection of the Federal Government, and about sustaining it in its constitutional obligations, and we do know that it cannot extend its arm or afford any protection to us except it treads upon every plank in the Constitution, the great platform of our national liberties. The plan proposed by the committee is the only one which we can adopt at this stage of our proceedings, to insure recognition and continued favor with the General Government."

MR. DORSEY wished to explain that he had not favored (as they all seemed to have understood him) a violent and informal separation of the State without any intervention of any preliminaries whatever. He disclaimed any such purpose, in particulars and in general. I propose to go on with the plan so far as it is necessary to the reassembling of the Legislature, then to propose this matter of dividing the State to that legislature; then submit its action to Congress for ratification, in accordance with the spirit and very letter of the Constitution of the United States.

MR. STUART, of Doddridge, differed in many respects with the gentlemen who had addressed the Convention. He thought this talk about the division of the State was rather out of place. We have loyal men from extreme portions of the State who are here



claiming our protection. He was favorable to a division of the State if it could be done by the agreement and consent of the loyal people of the whole State; but he never would consent to cut loose from our loyal friends in the east who are helping us to aid the Government of the United States. He never wanted to separate from that part of the State that held the remains of Washington and Jefferson. They were here to frame a State Constitution, and when their brethren in the eastern portion of the State were freed from the rebellious reign of terror they were willing to come into the Government the Convention was assembled here to establish.

MR. CRANE, of Tucker, in a brief speech assured the Convention that although his people occupied the Southern extreme of Northwestern Virginia, and from their position the most exposed part of the border, yet he was authorized to say that his people were not only willing to a separation of Western from Eastern Virginia, but they want nothing short of a separation. He was ready, and his constituents were, to go in any direction, in arms or peacefully, for their deliverance from the bondsmen of Eastern Virginia. Nevertheless he pledged himself and his constituents to go along with the movement which was proposed here. It was, he believed, the best that could be inaugurated at this juncture.

On motion of MR. LAMB, the Declaration was made the order of the day for 11 o'clock to-morrow and thereafter each day until disposed of.

MR. STUART moved that when the Convention adjourn to-morrow it be to meet on Tuesday next. Many of the members had come unprepared to stay for a great length of time, and it was necessary for them to go home to make necessary arrangements for a prolonged absence.

MR. LAMB objected to the motion on the ground that if the convention adjourn till the time named the committees would have to suspend their labors meanwhile.

MR. DORSEY suggested that the order of the day for next Wednesday was the ordinance reported this morning by the committee, and if he understood the motion making it the order for Wednesday the object was to give the Convention time and opportunity to discuss the declaration now before the body, and he thought it would occupy all the time allotted to it. He thought it would be improper to adjourn over.

The question being taken on the motion to adjourn till Tuesday, it was rejected.

On motion, the Convention then adjourned.

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## THE FIFTH DAY,

SATURDAY, JUNE 15, 1861.

The Convention met at the appointed hour, and was opened with prayer by Rev. S. R. Brockunier.

The minutes of the preceding day, were read by the Secretary.

MR. VAN WINKLE, of Wood, wished to amend the minutes by correcting an expression in the Declaration before the Convention, as it stood recorded in the journal. The reading "they have attempted to bring the allegiance of the people of the United States, into direct conflict, &c."—should read "allegiance of the people *to* the United States, &c."

The correction was made.

MR. VAN WINKLE resuming, said objection had been made yesterday to the phraseology of the concluding portion of the second sentence of the first paragraph of the Declaration. On behalf of the committee, he was authorized to say that they had unanimously agreed to obviate the objection by striking out the objectionable words as follows; "and the existing Constitution does not confer upon the General Assembly, the power to call a convention to alter its provisions, or to change the relations of the Commonwealth, without the previously expressed consent of such majority." Also to add in the succeeding sentence, after the words "in February last," the words: "Without the previously expressed consent of such majority."

MR. CARLILE, as Chairman of the Committee that had re-reported the Declaration, asked, inasmuch as the report had not yet been acted on, that the corrections be made as alterations, and not as amendments, which was granted, and the journal was corrected accordingly.

The minutes, as corrected, were then approved.

MR. CARLILE asked and obtained leave to read a letter, addressed by a citizen of Kanawha county to a member of the convention.



The letter gave a very favorable account of the strength of the Union sentiment in that section.

MR. VAN WINKLE moved a reconsideration of the vote yesterday, by which the gentlemen from Loudon was refused a seat in the convention. He followed up the motion with some remarks renewing that gentleman's claims.

This proposition elicited a discussion in which several gentlemen took part, which was finally cut short by the moving of the previous question. The call for the previous question was sustained. The question on suspending the rules to allow the reconsideration of the vote, being then put, the motion to reconsider was rejected.

So the Convention still refused to admit the gentleman from Loudon to a seat.

MR. CALDWELL, of Marshall, asked and obtained leave of absence till Monday.

MR. LAMB, Chairman of the Committee on Credentials, then obtained permission to say that the Committee having examined the credentials of all the members present, announced the fact that no member had been admitted to a seat on this floor, who did not represent a large and substantial vote of his county. The Committee paid but little attention to mere forms, but they did act on the rule in regard to substantial constituencies.

The order of the day being the Declaration of the Committee, it was then taken up.

MR. VAN WINKLE moved that the Declaration as altered, be reprinted for the use of the members. Adopted.

On motion of MR. FROST, of Jackson, the order of the day was passed by, and made the special order for Monday at eleven o'clock, and each day thereafter until disposed of.

MR. FLESHER, of Jackson county, submitted the following resolution, which was appropriately referred.

*Resolved*, That all levies or orders made by any county or corporation court in this commonwealth for the purpose of raising money for arming, assisting or supporting the rebel army of this State or the so-called Southern Confederacy is a gross usurpation of power—sapping the very foundations of our liberties, requiring money to be levied from free citizens to support the enemies of our government in their acts of cruelty and butchery.

*Be it, therefore, Ordained*, That all such levies or orders shall be null and void and shall not be collected by any of the officers of the Commonwealth.

MR. FLESHER said he offered this resolution more especially from having understood that the Jackson County Court had ordered a levy of \$3,000 for the support of the rebel soldiers who have enlisted from that county in the service of the Southern Confederacy.

On motion, the Convention then adjourned to Monday morning at ten o'clock.

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## THE SIXTH DAY,

MONDAY, JUNE 17, 1861.

The Convention assembled at the appointed hour.

The session was opened with prayer by Rev. R. V. Dodge, of Wheeling.

The minutes of Saturday were read and approved.

MR. HOOTON, of Preston, said he deemed it due to the Convention as well as to Dr. Parsons, of Tucker, (now absent) to state that the reason of his absence was that he was confined to his room by indisposition, but that he was now much better and would be in his seat in a few days.

The hour of eleven not having yet arrived and there being no business pressing, Mr. Carlile suggested that the order of the day be now taken up. There being no objection the Declaration of Rights, which had been made the order of the day for eleven, was taken up and the Convention proceeded to its consideration.

The Declaration was read by the Secretary, after which

MR. PIERPONT, of Marion, said: (The speech of Mr. Pierpont here, has been because of its length, inserted in this work as APPENDIX A, following the Journal of the regular session of this Convention—V. A. L.)

MR. CARLILE followed in a few remarks, expressing the hope that a vote would be taken at once.

The question on the adoption of the Declaration was then demanded.

MR. DORSEY called for the yeas and nays, which call was sustained, with the understanding that members now absent have an opportunity of recording their votes on their return to the Convention. It was further suggested and concurred in, that the publication of the names be deferred until the full vote of the Convention was obtained.



MR. DORSEY subsequently withdrew the call, to make way for a motion to pass the Declaration to its engrossment, prior to its being put upon its final passage.

The motion prevailed, and it was ordered to be engrossed on parchment.

The Convention then took a recess until two o'clock.

#### AFTERNOON SESSION.

The Convention re-assembled at the appointed hour.

MR. CARLILE, from the Committee on Business, reported an ordinance for the appointment of State officers, which was read.

On motion of Chester D. Hubbard, it was ordered to lie on the table, and that the usual number of copies be printed.

MR. FROST, of Jackson, moved that the Declaration of Rights be now taken up and put upon its final passage.

The Declaration was read by the Secretary.

MR. DORSEY called for the yeas and nays, with the understanding that as the absentees came in they be allowed to record their votes.

The yeas and nays on the adoption of the Declaration were then taken, and resulted, yeas fifty-six, nays none.

On motion of MR. CARLILE, Thursday next, was fixed as the day for the signing of this Declaration.

MR. CARLILE remarked that this vote just taken exhibited a happy coincidence, and one that he hailed as an auspicious omen. 'We have,' he said, "Fifty-six votes recorded in favor of our Declaration, and we may remember that there were just fifty-six signers to the Declaration of Independence." (Great applause and feeling throughout the Hall.)

The Convention then adjourned.

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#### THE SEVENTH DAY,

TUESDAY, JUNE 18, 1861.

The Convention assembled at ten in the morning, and was opened with prayer by Rev. Wesley Smith.

The minutes of Monday were read and approved.

MR. PARSONS, of Tucker, took occasion to explain the cause of

his absence, and asked to record his vote in favor of the Declaration of Rights passed by the Convention yesterday. A number of gentlemen who had come in since yesterday's session also came forward, and without exception cast their votes in its favor, among others, James G. West, of Wetzel county, who first took the oath of office, he having heretofore been detained from attending.

MR. CARLILE, from the Committee on Business, reported the following amendment to the Ordinance for the re-organization of the State Government: In the 36th line to strike out all after the word "appointed," and insert: "by the Governor, he shall at once fill the vacancy without writ, but if such officer be appointed otherwise than by the Governor, or by election, the writ shall be issued and directed to the other appointing power requiring it to fill the vacancy."

The amendment was adopted.

MR. CARLILE, from the Committee on Business, reported the following resolution, with a recommendation that it pass:

*Whereas*, The great and lesser seals of the Commonwealth are in possession of the late Executive of the State, and whereas it is necessary for the dispatch of public business, that seals should be provided, therefore,

*Resolved*, That a committee of five persons be appointed to procure a great and lesser seal for the Commonwealth, that shall correspond with the great and lesser seals, respectively, now in possession of the late Executive of the State, with the addition on each seal on obverse and reverse sides, of these words, "Liberty and Union."

The resolution was adopted.

The following gentlemen were appointed the committee provided for in the resolution: John S. Carlile, of Harrison; D. D. T. Farnsworth, of Upshur; E. H. Caldwell, of Marshall; H. H. Withers, of Gilmer; Chas. B. Waggener, of Mason.

MR. CARLILE, from the same Committee, also reported the following:

#### ORDINANCE TO AUTHORIZE THE APPREHENDING OF SUSPICIOUS PERSONS IN TIME OF WAR.

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that the Sixth and Seventh Sections of the Seventeenth chapter of the Code of Virginia be amended and re-enacted to read as follows:

The Governor may cause to be apprehended and secured, or may compel to depart from this State, all suspicious subjects or citizens of any foreign State or power at war with the United States.

*And whereas*, The Convention at Richmond have declared the union between the State of Virginia and the other States, under the Constitution of the United States, to be dissolved; and have attempted to transfer the allegiance of the People of this State to an illegal confederacy of rebel-



lions States, called the Confederate States of America; claiming that the State of Virginia and the said Confederate States are rightfully and in fact foreign States or powers in reference to the United States: Now, therefore, all persons in this Commonwealth adhering to and supporting the said Convention at Richmond, or the said Confederate States; or professing to owe allegiance or obedience to the same, shall be deemed, (for the purposes of this Ordinance only,) subjects or citizens of a foreign State or power at war with the United States.

The Governor may send for the person and papers of any such person, within this State, in order to obtain information to enable him to act in such cases.

Any warrant or order of the Governor under this Ordinance may be directed to any Sheriff or other officer, civil or military, and shall be executed according to the terms thereof by such officer, who shall have all the powers necessary for the purpose, either in or out of his county or corporation.

2. If the Governor shall have just cause to believe that any persons in this State, claiming to be subjects or citizens of the said Confederate States, or adhering to and supporting the said Convention or the said Confederate States, or professing to owe allegiance or obedience to the same, are about to assemble together, or have assembled together, for the purpose of drilling or receiving military instruction, or to organize themselves as a military force, or to attempt any military operation, or do any act which may endanger the safety or welfare of the good people of this Commonwealth or any portion of the same; he may cause such assemblage to be prevented or dispersed, and the persons who may be about to assemble or have assembled as aforesaid, to be apprehended and secured, or may compel them to depart from this State; and for this purpose he may issue his warrant or order directed to any Sheriff or other officer civil or military, which warrant or order shall be executed as aforesaid, and any assemblage of two or more persons for any purpose inimical to the government of the United States, or of this State as organized by this Convention, shall be deemed an unlawful assemblage, and the persons so offending may be proceeded against and punished as provided in chapter 195 of the Code of Virginia.

3. If any Sheriff or other person shall transmit or pay any money, or any check, draft, bill, or order, note or certificate for the payment of money, to any officer or other person at Richmond or elsewhere, for the use of the said Confederate States, or of the illegal State Government at Richmond, now waging war against the United States; or shall furnish any money, arms, military equipments or ammunitions of war, or other aid or support, to the said Confederate States, or State Government, or to any military force under the control or direction of the same, or to any person or persons about to join any such military force; the Governor may cause to be apprehended and secured, or may cause to depart from this State, the Sheriff or other person guilty of such offence, and for this purpose may issue his warrant or order and cause the same to be executed as hereinbefore provided.

4. This Ordinance shall take effect from its passage, and may be altered or repealed by the General Assembly.

MR. FLESHER, of Jackson, moved that the ordinance be laid on the table, and the usual number printed, which motion was adopted.

MR. CARLILE, from the same Committee, reported another ordinance as follows:

## AN ORDINANCE FIXING THE COMPENSATION OF CERTAIN OFFICERS THEREIN MENTIONED.

1. The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that the compensation of the several officers herein mentioned shall be as follows:

Of the Governor, at the rate of three thousand dollars per annum;

Of the Secretary of the Commonwealth, at the rate of fifteen hundred dollars per annum;

Of the Auditor of Public Accounts, at the rate of two thousand dollars per annum;

Of the Treasurer, at the rate of fifteen hundred dollars per annum;

Of the President of the Senate, the Speaker of the House of Delegates, and the President of this Convention, eight dollars to each for every day's attendance;

Of the other members of the Senate, House of Delegates, and of this Convention, four dollars to each one for every day's attendance; but no person shall receive compensation for the same day both as a member of this Convention and of the Legislature;

Of the Secretary of this Convention, eight dollars for each day's attendance, out of which he is to pay his assistant;

Of the Sergeant-at-Arms attending this Convention, and the Sergeant-at-Arms for the Legislature, four dollars for each day's attendance; and one dollar and fifty cents per day for each door keeper and police officer employed, and fifty cents per day for each of the pages.

2. The Secretary of the Commonwealth, Auditor of Public Accounts and Treasurer, shall once at least in every quarter, submit to the Governor their several accounts for office expenses, including printing, stationery, blank books, fuel and other things necessary for the transaction of their official business; which accounts when approved by the Governor, and such approval certified in writing, shall be allowed and paid. All expenses incurred by the Governor in transaction of his official business shall be submitted to the Auditor of Public Accounts, in the same manner as other claims against the State.

3. The members of the Senate and House of Delegates shall be allowed mileage at the rate of ten cents for every mile of necessary travel, to be computed by the nearest and most direct route from their several residences to the city of Wheeling.

4. This Ordinance shall take effect from its passage, and may be altered or repealed by the General Assembly.

On motion of Mr. NICHOLLS, of Brooke, the ordinance was ordered to be laid on the table and printed.

Mr. FAENSWORTH, of Upshur, offered the following resolution:

*Resolved.* That one of the great objects of this Convention reorganizing the State Government, is that we may place the same in a position of legality to the United States, in order that we may soon be able by Constitutional legislation to separate ourselves from our oppressors in Eastern Virginia and be admitted a new and separate State in the glorious union of States.

Mr. FARNSWORTH explained that his object in introducing this resolution was to show to the people by an authorized expression of the Convention that it intended to take such steps as would create a new State, and to show the object in taking the steps the Convention was now taking.

Mr. CALDWELL thought the resolution a proper one and that it



was at once a courtesy and due to the Federal Government that something like this indicated in this resolution should be communicated to the President of the United States and his Cabinet, as an expression of the views and intentions of this Convention.

MR. FROST moved the reference of the resolution to the Committee on Business. He had no objection to the resolution or the spirit of it. It seemed to him that every step yet taken contemplated the separation of the State.

MR. DORSEY said it was well known that he had been advocating this new State movement as earnestly as he knew how, but after mature consideration of the subject, and after having had several resolutions like the one under consideration submitted to his consideration in private, he had come to the conclusion that it would be exceedingly inappropriate for this Convention at the present time in the present stage of its proceedings to pass such a resolution, since "by doing so we are anticipating," said he, "the future action of the Legislature of Virginia, as well as of this Convention. This is not the proper time to make a proposition or a division of the State. We have all agreed upon that matter in private conversation, and the public discussion that have been had upon this subject. It does seem to me that if we desire a division of the State, the proper method to be pursued would be to proceed with the business now in hand, and when the State government is fully organized, then such propositions as this may be submitted. This announcement may seem to be incongruous with my former position. I think, however, the plan I proposed looked to just such an arrangement. After deliberating on the course I proposed myself, and that proposed by this resolution, I have thought it would be exceedingly imprudent to urge this matter at the present time. I hope my friend from Upshur will see proper to withdraw that resolution. He knows that I am an unyielding advocate for the division of the State, and I assure him, as I assure the Convention, that I shall not be satisfied as an individual, until that shall be accomplished."

MR. NICHOLLS, of Brooke, said that he understood the object of the resolution to be to give to our constituents at home, some evidence of the tone of the sentiment of this Convention, touching this question of a division of the State. He thought the remarks made in the discussion on that very subject, and which had gone forth in the public prints, ought to give abundant assurance to them of

what the sentiment here was upon that subject . He agreed with his friend from Monongalia, that the Convention should not at this time take any hasty steps, touching that matter. Still, if the gentleman from Upshur should persist, he would favor the reference of the resolution to the proper committee, that they might deliberately weigh it, and report before they take any action on the resolution.

MR CARLILE supposed his friend from Upshur was not present the other day when this matter was discussed on the proposition of the gentleman from Monongalia. "So far as I know, we all agree with him in desiring a division of the State, but how is it to be done? It can be done only by virtue of a provision of the Constitution of the U. S., and how can that be had now? That provision makes it necessary for us to obtain the assent of the Legislature of the State, and where is the Legislature, recognized as such, that can give its assent? It is no longer under the protection, or entitled to the provision, of the Constitution of the United States. It is now out of our power to effect a separation, if every man, woman and child in the State should give their consent. There is no Legislature yet that acknowledges its fealty to the Constitution of the United States. Therefore, what we desire is simply an impossibility at this time. If it be our purpose to divide the State at some future time—and it certainly is my purpose—we are taking the only course in which it can be accomplished. Once get the government which we propose to organize here acknowledged by the Federal Government as the government of Virginia, and then you have a Legislature that can constitutionally assent to this separation. Now you have it not. Even if the Legislature that acknowledges its allegiance to the Southern Confederacy were to give its assent it would not be worth a piece of blank paper. The soil and people of Virginia are to all intents and purposes, so far as her State authorities are concerned, transferred to the Confederate States, and that so-called Confederacy can only consent to the transference of any portion of the soil of that so-called Confederacy, to a power with whom they can treat. Now, Sir, the Federal Government and the loyal people of Virginia do not acknowledge that transfer. This rebellion must be crushed out, or it must be successful, and a treaty had between it and the United States, acknowledging its independence, before they can enter into any treaty.

But the method we are pursuing is the easiest, the only practicable mode by which the objects we have at heart can ever be ac-



complished, and such declarations as are contained in this resolution, do nothing in the world but throw obstacles and embarrassments in the way of accomplishing this separation.

The great question now foremost in the minds of all is the preservation of our Union and the perpetuity of the Federal Government. So long as our efforts are directed to this we have the sympathy of the twenty millions of loyal people who sympathize with us. Therefore it being impossible to accomplish our object now, a persistence must tend only to array against us an influence against our recognition of the Government.

And, Sir, where is the great bulk of the bonds of this \$49,000,000 of public debt? It is held in the great centre of capital, New York. If the holders were to suppose that a recognition of us, as a separate State, would diminish their securities, possibly their interests might come in conflict with their patriotism, and we would have the influence of this lobby at Washington against our recognition. Now, Sir, let us from this time forward say nothing more upon this subject. Let us wait until we are recognized as part and parcel of the United States, and as the lawful authorities of Virginia.

I regret that we have to postpone this subject of a separation for an hour, but high above all else, is the perpetuity of the Union. What would a separation be worth—what would an admission as a new State into the Union be worth, if that Union should hereafter be destroyed? Let us then direct all our energies solely at this hour, more especially to preserving and maintaining the government.”

MR. VAN WINKLE said the public expectation in the Western counties had been turned to this Convention, as if its only business were to separate Eastern from Western Virginia. It had been the predominant expectation up to, and even since, the assembling of the Convention. “But, we come here, and we find that it is necessary for us to take an entire different course of action. That course we are progressing with. There can be no doubt as to the propriety of re-organizing a government for the whole State. I saw and spoke of the difficulties in the way of a division of the State, from our geographical position and other circumstances—as [you] gentlemen will remember. But is it not due to the constituents of many of the members, that there should be some authorized, expression by the Convention on this subject, exhibiting the reasons that

induced us to abandon a course which, it was supposed, we were about to adopt, and to explain to them that their representatives have yielded to a necessity in postponing their views? In my opinion, if it had been practicable, for other reasons, to have made the separation, there is nothing in all this constitutional provision to have hindered us for a moment."

MR. CARLILE said if their constituents at home should see by the discussions in this body, the reasons that have influenced their representatives to postpone their wishes, then they would be satisfied with the same reasons that satisfied their representatives. He was sure he had no constituents more anxious for the time to arrive for a separation than he was. When they should see the gentleman from Monongalia representing a county where the vote was taken on this subject, and which gave 801 votes in favor of a division of the State, and coming from a constituency representing such views—when they see him yielding to the necessity which all feel, will not they be satisfied without an official report from a committee of this body?

MR. BURDETT had no objection to the resolution. "The world knows we are looking ulteriorly to a division of this State.—Wall street will know it despite all your efforts to cover it up. The lobby interest will be in Washington just the same, and you will have to fight that anyhow." He did not think that any serious obstacle would then be thrown in the way. He did object, however, to the reporting of every little resolution reported here, to the President of the United States. He and his cabinet had enough more important business to engross them. A better plan would be, at the conclusion of the labors of this Convention, to send them a copy of its journals.

MR. CARLILE suggested that if this resolution was to be pressed, a special committee should be raised, and that it be referred to them.

MR. FROST said the object of the resolution was simply to get an official expression from the Convention. He knew the people expected some authoritative expression of the opinions and views of this Convention. The course of the Convention, however, a reconstruction of the State government, was the only practical movement that could be made in the premises. He would withdraw his motion, and move that a special committee of five be raised, to whom the resolution should be referred. He suggested that the



committee thus raised should prepare an address to the people of Virginia.

MR. CARLILE said, that as they were now assuming to act for the Union men of the whole State, those men in many parts of the State would be embarrassed by such action, as we are here proposing, looking to a separation from them. The argument would be employed against them, that they were acknowledging the authority of a State government which looked to the dismemberment of the State.

MR. FROST said he was not in favor of a separation of the State, unless it were necessary. He hoped they might never be driven to that result.

MR. DORSEY, of Monongalia, moved that the resolution lie upon the table. He withdrew the motion, however, to make way for his colleague, Mr. Snider, who obtained leave to read the following resolution:

*Resolved*, That the geographical position and business and social relations of Western Virginia, are such, that her vital interests demand a division of the State; that the proper time to make such demand will be when Virginia has a legally constituted Legislature; and that then we will use our utmost endeavors to consummate that division.

MR. SNIDER declared that he was uncompromisingly for a division of the State, and nineteen-twentieths of the constituency he represented were equally so.

MR. BARNS, of Marion, also read a resolution (it being out of order to submit it,) as follows:

*Resolved*, That it is inexpedient at this time to take into consideration the subject of a division of the State.

MR. HUBBARD said that the case before the people of the Northwest, was no longer one of choice, or even preference, but had become a matter of duty. "We are not here to create a State, but to save one; not here to create a government, but to help save a government. Let us go forward in the great work, and not higggle about what our taxes will be hereafter, or questions of that character. Let us save this government, let us save Virginia, and then save the Union; for the banner we are lifting up here, will be the banner for the salvation of the country. As the arms of the government go forward and rescue our State from revolution, we must save what they gain. I hope we shall say nothing more now about the division of the State; our first and highest object is to perpetuate the Union and the government, and the next to rescue and save Virginia. If we find in the future that we cannot remain in the

State, and that we can do better to separate, I shall be as willing as any other man. I believe this movement will not stop with Virginia, but will spread all over the seceded States, as they are delivered from the military despotism that now rules them. Let us not fall short of our duty in this hour or hesitate in the course which is before us, as true men. Let us go forward as Virginia in the Union."

MR. NICHOLLS followed in some remarks. He said when they had come to discuss grave constitutional questions which cover this whole subject of separation, they saw that at this time—there was no member of the Convention but what saw—that there is a constitutional barrier in the way of this Convention meeting the first wish of their people for a separation of the State. That question was settled in the minds of the members of this Convention. When the Government shall have been rescued from anarchy and destruction, perhaps the causes of which they complained in the East, might be removed, and the necessity for the separation have disappeared.

MR. FARNSWORTH said that in offering the resolutions he merely wanted the people to know by some expression of the Convention that we were in earnest, when we said to them before we left our homes that we would go for a division of the State at the proper time. "I know it is out of their power to understand the will of the Convention as we understand it without an expression of some kind. The resolution does not contemplate for a moment to create a new State at this time, but only to let the people know why it is that we are re-organizing the State government for the whole State—and Mr. President, if we are afraid to show our hands to the people we represent, our cause must be a poor one." Nevertheless he would withdraw the resolution as he found serious objection was made to it.

MR. VANCE, of Harrison, hoped he would not withdraw it. His people, he said, were in favor of an immediate division of the State. They had sent him there to assist in accomplishing that purpose. But they did not all understand how it was to be done. Some thought the Convention could do it; but it could not be done without the consent of the Legislature. When the Legislature should meet it was his desire, and that of his constituents, to divide the State, and he would then use every effort to accomplish what they desire. He hoped the motion to lie on the table would be voted down, and the resolution would take the direction indicated by the gentleman from Jackson.



MR. TARR regretted very much to see the course the debate had taken. The first inquiry should be, have we a State Government? "If not, let us first procure the endorsement of the Federal Government and then provide the ways and means for a division of the State. Many gentlemen who have seats here, represent counties lying along the borders of Maryland, which are very desirous of being connected with Western Virginia. Perhaps in the division of the State we will secure the counties bordering on Maryland. It may be that we should attach ourselves to the State of Maryland. We all know that our territory is small—that the taxes that may be collected from it will be barely sufficient to cover our ordinary expenses. If we should add to this the portion of the State debt which we would be bound in fairness to pay, it will make our taxes burdensome.—But, Sir, I have reason to know that the Federal Government is entirely opposed to any division of the State, and I think there is no gentleman on the floor of this Convention who can assure me from any authority whatever, that the Federal Government will recognize any division at all.—Are we so strong that we shall dictate our terms to the Federal Government? Or must we not rather act in obedience to their wishes. And I submit to my friends who are in favor of this precipitate action, that this motion now be laid on the table; but before that proposition is submitted to a vote, I move, for the purpose of having some opportunity to canvass this question, that the Convention take a recess till two o'clock."

MR. CARLILE—"Will my friend from Brooke withdraw the motion for a recess for a moment?"

MR. TARR—"Certainly."

MR. CARLILE then announced that the Convention had been invited to visit the soldiers and officers at Bellaire, and witness a dress parade, during the evening, and that Mr. Ford, the Agent of the B. & O. R. R., had kindly provided a special train for their accommodation, and that, as the train would start at half past three, he suggested that the Convention, when it adjourn, should adjourn till to-morrow.

MR. CARLILE continued: "In relation to this thing of dividing, I find that even I, who first started the little stone down the mountain, have now to apply the rubbers to other gentlemen who have outrun me in the race, to check their impetuosity. Those who know what I have done in behalf of this movement, and would do now, if practicable, know that it is from no lack of sympathy with their

desire, that I am now drawing the brakes. I believe I know the people of Harrison county, and of all the counties of Northwestern Virginia, for in some capacity I have served them nearly all, except these Panhandle counties—and they know just as well as we do, and have probably found it out a little in advance of us, that at this time a division of the State cannot be effected, for the reason which they see in the Constitution of the United States, that it is only through it, and by virtue of its provisions, that a division can be had. They know another thing, too, that a separation is worth nothing without the perpetuity of the Government to which we desire to attach ourselves, and that they must first address themselves to maintaining the Government.”

MR. VANCE: “We are perfectly aware, and so are the people, that the first object is to maintain the government and secure its perpetuity; but the resolution does not contemplate that the State be divided until that be accomplished. What we want is to show that this is the ulterior object.”

MR. CARLILE: “I do not think it necessary to declare that I am of the same opinion that I was thirty, or sixty, or ninety days ago. When I change my views on this subject, then I shall take occasion to announce them in the proper way. But why, at this time, when we are surrounded by most embarrassing circumstances, add to our embarrassments? Why create obstacles? Why build up barriers that may not come in our way if we but take proper time for action? The truth should always be spoken when we speak at all. But the whole truth should not always be spoken. There are times when men should keep their mouths closed. What if we do contemplate a division of the State, would it forward that object to promulgate the declaration in a special and authoritative manner?

In an hour like this when the question is: Shall we save the State; when we are particularly helpless to save it ourselves; when the very Government itself has by this rebellion been bankrupted; when it is engaged in this death struggle to maintain its own existence, and when we have come here to aid, if we can, this effort of the Government in this struggle,—why should we now be discussing that which is utterly impossible and which more belongs to days of peace than to the hours of war? That is the question to put to ourselves. If we could divide the State to-day, who would desire to do so under existing circumstances. In a short time the power of this Government may be established. Then we may be acknowl-



edged as the Government of Virginia; then we can provide for that which is essential to our interest. If peace is to be banished for long years from our borders, what does it matter whether we are separated from the East or not? Separation is to enable us to promote our interests in time of peace. Separation in time of war amounts to nothing.

There is no man within the limits of this State that is more thoroughly convinced than I am and have been for long years, of the necessity of this separation. There is no power on earth that can prevent it. But it cannot take place now, and we are but embarrassing our movements, which must first be addressed to the perpetuity of the government and the maintenance of our free institutions before we can act on what is and must be a secondary consideration. I do trust this discussion which has occupied so much of our time will be allowed to wait till the time comes for action.—‘Sufficient unto the day is the evil thereof.’

And now, Sir, with a Southern army advancing upon us in two columns, we know not how soon we may have to close our doors and discussions here, and seek safety elsewhere; when we are striving now to resist this attempt at transferring us to a rebellious government, shall we be distracted with issues of secondary importance, as all must admit this question of a separation to be at this hour?”

The question “Shall the main question be put?” having been decided in the affirmative the main question “Shall the resolution lie on the table?” was then put.

MR. VANCE demanded the yeas and nays. The question being then taken by yeas and nays resulted as follows:

YEAS:—Jno. H. Atkinson, Jno. S. Barns, J. J. Brown, George W. Broski, H. W. Crothers, Wm. L. Crawford, Jno. S. Carlile, W. B. Crane, J. T. Close, James Carskadon, W. H. Copley, D. B. Dorsey, O. D. Downey, James P. Ferrell, A. Fleisher, S. S. Fleming, E. T. Graham, P. M. Hale, George Harrison, C. D. Hubbard, H. Hagans, Charles Hooton, Jno. Howard, Jno. Hawxhurst, T. H. Logan, Daniel Lamb, J. A. J. Lightburn, John Love, Henry S. Martin, E. E. Mason, Thos. Morris, Jno. D. Nicholls, Henry Newman, Geo. McC. Porter, D. Polsley, J. W. Paxton, S. S. Parsons, A. F. Ritchie, T. A. Roberts, J. F. Scott, Remembrance Swan, B. F. Shuttleworth, Campbell Tarr, J. H. Trout, P. G. Van Winkle, James G. West, H. H. Withers, Jas. W. Williamson, W. B. Zinn, Mr. President, (A. I. Boreman)—51.

NAYS:—Wm. J. Boreman, Ralph L. Berkshire, Jno. S. Burdett, W. W. Brumfield, E. H. Caldwell, W. H. Douglass, James Evans, D. D. T. Farnsworth, Richard Fast, Daniel Frost, Leroy Kramer, Reuben Martin, Wm. Price, C. W. Smith, J. H. Shuttleworth, Jos. Snider, Jno. C. Vance—17.

ABSENT:—Lot Bowen, James L. Barrick, Samuel Crane, L. E. Davidson, John J. Davis, Jas. A. Foley, Jos. Gist, Albert Laidley, John W. Moss,

Jno. Michael, F. H. Pierpont, Wm. Ratcliffe, Fountain Smith, J. L. Smith, Chapman J. Stuart, Nath. F. Taft, S. B. Todd, Lewis Wetzel, And. Wilson, C. B. Waggener, Jas. O. Watson, Jas. A. Williamson—21.

So the resolution was laid on the table.

GEORGE HARRISON, of Ohio, offered the following resolutions which were unanimously adopted:

*Whereas*, It has pleased the God of Nations and of Battles, in His inscrutable wisdom, to remove from our midst in these our days of peril and trial, the distinguished Senator of Illinois, Stephen A. Douglas, whose patriotic devotion and principles have endeared his memory to our hearts, and whose loss we deplore and regard as a national calamity. Be it, therefore, by the people of Virginia, in solemn Convention assembled:

*Resolved*, That this Convention has heard with feelings of the deepest sorrow and regret of the recent demise of the patriotic and distinguished Senator of Illinois, Stephen A. Douglas—a man who, when our present unhappy troubles commenced, regardless of party predilections, stood among the first and foremost in defence of the laws and Constitution of this great Union, thereby still further gaining our love and admiration.

2. That we sincerely sympathize with the widow and children of the deceased Senator under their severe affliction, and as a testimonial of our regard and esteem, that these resolutions be entered on the minutes of the proceedings, and a copy, signed by the President and Secretary of this Convention, be forwarded to the family.

On motion, the Convention then adjourned.

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## THE EIGHTH DAY.

WEDNESDAY, JUNE 19, 1861.

The Convention assembled at the usual hour, and was opened with prayer by Rev. J. T. McLure of this city.

The minutes of the preceding day were read and adopted.

The reports of Committees were called for. There being none to offer,

MR. CALDWELL, of Marshall, suggested that as there were several members present this morning who had been absent at the time the vote was taken on the Declaration of Rights, an opportunity be afforded them to record their votes.

The several gentlemen referred to announced their votes without exception in favor of the adoption of the Declaration.

MR. VANCE, of Harrison, arose to a privileged question. He desired to call the attention of the Convention to the character of the report of yesterday's proceedings of this Convention in the *Intelligencer* of this morning. The report in some portions was meager



and unsatisfactory. If the reporter attempts to report anything here he should report it correctly or not at all. They would find in the report that the remarks made by gentlemen in favor of the motion offered by the gentleman from Upshur, but partially and incorrectly reported. On the other hand, the remarks of the gentlemen who spoke in opposition to the adoption of the motion are reported fully and correctly. This was calculated to leave a wrong impression on the minds of those who read the printed report, and were not present in the Convention. This was a species of partiality which should not be exhibited by any reporter; and, if this partiality was to be shown here and in this way the sooner the people know it the better. From the remarks of gentlemen as reported it would seem that the members advocating the resolution were attempting to embarrass the Convention, and the report does not relieve them from that imputation.

"I now say to the reporter, that he will either report me correctly or not at all. I do not particularly desire to be reported. I did not come here to make speeches, but for the good of my people; but I do hope hereafter that if he attempts to report anything at all he will report it correctly. . .

I would just say that the gentleman from Upshur gave many very good reasons in support of his resolution, and they were not noticed at all. Speeches of certain gentlemen were not noticed at all, while those of others were given almost word for word."<sup>6</sup>

MR. CARLILE asked that the order of the day be taken up.

The order of the day, being the Ordinance for the Reorganization of the State government, was taken up.

MR. CARLILE wished to amend the third section by striking out in

6. To this criticism of Mr. Vance, Mr. Archibald W. Campbell made editorial reply, as follows:

"Mr. Vance, of Harrison, yesterday called the attention of the Convention to the fact that the debates, as reported in the *Intelligencer* were not full; and, as he said, were partial. He made the point against us that those who were opposed to Mr. Farnsworth's resolution, or rather those who were in favor of laying it on the table were reported much more at length than those who were not.

Mr. Vance is probably under the impression that we are publishing an official report of the debates, under pay from the Convention. If so, we beg to undeceive him. We are under no obligations to publish a word of the debates. Our reports are our private enterprise, undertaken at our own suggestion, and at our own expense. We are at liberty just to publish or omit as we please, or condense or abbreviate just as our space compels us. We publish our reports as full as we can, and where we cannot, we make that which is valuable and interesting take precedence over that which is not. It is simply a physical impossibility for us to publish verbatim reports, though we usually take them verbatim. We, therefore, content ourselves with such a summary as will be most interesting to the public, and afford them the best information of what transpires.

On the point concerning Mr. Farnsworth's resolution, we have this to say: If we had consulted our own desires, we should just have reversed the fullness of our report, for we were very sorry to see that resolution go to the table, being well persuaded that it ought to have gone to a special committee, as was desired, by the mover.

With these remarks, we trust that we have satisfied the criticism of Mr. Vance."

the sentence beginning in the eleventh line, after the word "offices," the word "for" and insert, "from the passage of this ordinance until the end of."

The amendment was concurred in.

MR. CALDWELL moved that the ordinance be taken up and voted on section by section which was agreed to.

The Secretary read the first section.

MR. VAN WINKLE moved to amend the section, by inserting in the third line, after the word "office," the words "for six months or;" and by adding at the end of the section the words "and the General Assembly is hereby required to provide by law for the election of Governor and Lieutenant Governor, by the people, as soon as in their judgment such election can be properly held."

The amendments were concurred in, and the section passed.

The second section was read.

MR. HOOTON enquired if any provision for the compensation of the members of the Council created by this section, was made. He moved that the word "five" before the word "members;" be stricken out in the first line of the section, and the word "three" inserted instead.

MR. CARLILE hoped the gentleman would withdraw that motion. He thought five none too many, and hoped dollars and cents would not be allowed to deprive the governor of assistance so much needed. He continued at some length, to urge the necessity of retaining that number.

MR. HOOTON consented to withdraw his motion.

MR. BURDETT moved that the section be amended by providing "that such council *ex officio* shall constitute a board of public works." He subsequently withdrew the motion at the request of other members.

The second section was then passed, and the third section read.

MR. FROST moved to recur to the first section and amend it by inserting the words "Attorney-General," after the words Lieutenant Governor. The amendment was agreed to and the section was so amended, also the amendment in which the same words occur.

MR. VAN WINKLE inquired what would be the effect of adopting these amendments in this manner. Had they not better resolve themselves into a committee of the whole, in order that



after all the amendments were adopted, the whole ordinance as such could be adopted.

THE CHAIR stated if they proceeded to amend each section by general consent, as they were doing, without adopting them separately, the vote could then, when the amendments were completed, be taken on it as a whole.

The Secretary re-read the third section, and there being no amendments proposed it was passed and the fourth was read.

MR. CRAWFORD, of Hancock, moved to strike out in the 20th line the word "volunteers" and insert the words "officers and privates of volunteer companies."

The amendment was concurred in.

MR. WEST moved to amend by adding after the word "duties" in the 22d line the words, "provided, however, that any person having voted for the ordinance of secession shall be ineligible to hold any post of office or honor, public or private, civil or military, in this State during the existence of hostilities by the seceding States against the general government of the United States of America."

MR. LAMB objected to the amendment..

A lengthy discussion followed, Mr. West and his colleague, Mr. Martin, advocating the proposition, and Messrs. Carlile, Flesher, Pierpont, Berkshire, Johnson of Preston, Roberts and others opposing.

The previous question was finally called by Mr. Vance.

The main question, being on the adoption of the amendment of Mr. West, having been ordered to be put.

MR. WEST demanded the yeas and nays. The demand was sustained, and the yeas and nays being taken resulted as follows:

YEAS:—MESSRS. Brumfield, Close, Douglas, Harrison, Hawxhurst, Reuben Martin, Mason, C. W. Smith, West, and Jas. W. Williamson—10.

NAYS:—MESSRS. Atkinson, W. J. Boreman, Bowen, Barns, Berkshire, Brown, Burdett, Broski, Barrick, Crothers, Crawford, Carlile, W. B. Crane, S. Crane, Caldwell, Carskadon, Copley, Dorsey, Davidson, Downey, Evans, Ferrell, Farnsworth, Flesher, Fast, Frost, Fleming, Graham, Hale, Hubbard, Hagans, Hooton, Howard, Johnson, Kramer, Logan, Lamb, Lighthurn, Love, H. S. Martin, Moss, Morris, Nicholls, Newman, Porter, Pierpont, Polsley, Price, Paxton, Parsons, Ritchie, Roberts, F. Smith, J. H. Shuttleworth, Scott, Snider, Swan, B. F. Shuttleworth, Tarr, Trout, Vance, Van Winkle, Withers, Wetzol, Wilson, Waggener, Zinn, Mr. President, (A. I. Boreman)—66.

ABSENT:—MESSRS. Davis, Foley, Gist, Laidley, Michael, Ratcliffe, J. L. Smith, Stuart, Taft, Todd, Watson, and Jas. A. Williamson—12.

So the amendment was rejected.

MR. CALDWELL made a proposition to amend the 20th line of the same section, but afterwards withdrew it.

The 5th section was read.

MR. BOREMAN, of Tyler, proposed to insert, in the 30th line, after the word "do," the words "or adhere to the Convention assembled at Richmond on the 13th of February, 1861, by the former Executive of this Commonwealth." He, however, after an extended discussion, in which a strong opposition was elicited, withdrew the amendment.

The question upon the adoption of the entire ordinance, as amended, was then ordered.

MR. LAMB called for the yeas and nays, but afterwards withdrew the call.

MR. CRANE, of Tucker, wished to inquire if it had been ascertained that the Federal Government would sustain the action the Convention was taking. He did not propose to shrink from his part, but merely wished to suggest the inquiry.

After a good deal of general discussion as to the propriety of taking the vote before an adjournment, and as to filling the blank in the ordinance naming the time at which the Legislature should be convened, the Chair having stated that the vote could be taken and the blank filled afterwards, the question on the adoption of the ordinance as a whole was taken by yeas and nays, and resulted as follows:

YEAS:—Messrs. Atkinson, Boreman, Bowen, Barns, Berkshire, Brown, Burdett, Brumfield, Broski, Barrick, Crothers, Crawford, Carlile, W. B. Crane, S. Crane, Close, Caldwell, Carskadon, Copley, Dorsey, Douglas, Davidson, Downey, Evans, Ferrell, Farnsworth, Fast, Flesher, Fleming, Frost, Graham, Hale, Harrison, Hagans, Hooton, Howard, Hawxhurst, Johnson, Kramer, Lamb, Lightburn, Love, Henry S. Martin, Reuben Martin, Logan, Moss, Mason, Morris, Nicholls, Newman, Porter, Pierpont, Polsley, Price, Paxton, Parsons, Ritchie, Roberts, Fontain Smith, C. W. Smith, J. H. Shuttleworth, Scott, Snider, Swan, B. F. Shuttleworth, Tarr, Trout, Van Winkle, West, Withers, Wetzel, Jas. W. Williamson, Wilson, Waggener, Zinn, Mr. President, (A. I. Boreman)—76.

NAYS:—None.

ABSENT:—Messrs. Davis, Foley, Gist, Hubbard, Laidley, Michael, Ratcliffe, J. L. Smith, Stuart, Taft, Todd, Vance, Watson and James A. Williamson—14.

THE CHAIR stated that those now absent could have an opportunity of recording their vote at any time when they might come in.

The Convention then took a recess until 3 o'clock, P. M.



## AFTERNOON SESSION.

The Convention re-assembled at three.

MR. MOSS asked to have his name recorded in favor of the Ordinance adopted in the morning session.

MR. VANCE moved to proceed at once to the election of Governor, the Convention being now authorized to take that step.

MR. CARLILE suggested that the blank in the ordinance should first be filled. He proposed to fill it by inserting the "1st day of July next," which was agreed to.

MR. VANCE renewed his motion, and supported it with some remarks.

MR. CARLILE suggested to-morrow at eleven o'clock as affording a little time for considering so important a matter.

MR. EVANS reminded him that to-morrow at that hour was the time set apart for the signing of the Declaration of Rights. He moved to amend by substituting to-morrow at 2 o'clock, which was finally agreed to.

MR. PORTER offered the following:

*Resolved*, That we recommend the immediate organization of volunteer companies in every county represented in this Convention, to support the State Government as organized by this Convention.

The resolution was, after some discussion, put upon its passage, and was adopted.

On motion of MR. CARLILE, the second ordinance, to authorize the apprehending of suspicious persons, &c., was taken up, and the first, second, third, fourth and fifth sections passed, after correcting a few typographical errors.

MR. HUBBARD, of Ohio, asked to have his vote recorded in favor of the adoption of the first ordinance, having been absent at the time the vote was taken.

The sixth section was read.

MR. HARRISON, of Ohio, moved to recur to the fifth section, and amend by inserting in the 18th line, after the word "same," the words, "or refusing to acknowledge the acts of this Convention as legal."

The proposition provoked a good deal of discussion, and the question being taken on it, it was rejected.

MR. DORSEY then moved to amend the sixth section by adding the words "and if such person be an officer of this Commonwealth, his office shall be declared vacant, and shall be filled according to the law in that case made and provided."

The proposition was discussed at considerable length; the question was taken on its adoption, and it was rejected.

MR. VAN WINKLE offered the following amendment to the same section, and it was agreed to: To insert in the 34th line, after the word "secure," the words "for trial as for misdemeanor."

MR. JOHNSON, of Wetzel, moved that the same words be inserted in the first line of the first section after the word "secured," but afterwards withdrew the motion.

MR. CARLILE with the concurrence of the committee, proposed this additional section which was adopted:

SEC. 7. "That the powers vested in the Governor by this ordinance shall only be exercised upon satisfactory evidence and with the concurrence of a majority of his council."

The question having called on the adoption of the entire ordinance,

MR. VANCE denied the power of the Convention to pass such an ordinance. He did not want to make such a star chamber of this Convention as had been done at Richmond. It was a matter that belonged entirely to the Legislature, and should be left for its action. If this Convention was to do all the legislating for the State there was no need of a Legislature at all.

MR. LAMB said, in reply to the objections of the gentleman from Harrison, that by the action of the May Convention, the people had authorized this Convention "to devise such measures and take such action" as the safety and welfare of the people they represent might demand. That was their authority, and they all knew that the exigencies of the times did demand that they should take this action.

MR. BURDETT remarked that in revolutionary times like these, they could not and must not be bound down to the strict letter of laws and constitutions. For his part, he meant to take his part of the responsibility.

The yeas and nays having been demanded, the question on the adoption of the ordinance was then taken, and resulted as follows:

YEAS:—Messrs Atkinson W. J. Boreman, Bowen, Barns, Berkshire, Brown, Burdett, Broski, Barrick, Brumfield, Crawford, Carlile, W. B. Crane, S. Crane, Close, Caldwell, Carskadon, Copley, Dorsey, Davidson, Douglass, Downey, Evans, Ferrell, Farnsworth, Flesher, Fast, Fleming, Frost, Gist, Graham, Hale, Harrison, Hubbard, Hagans, Hooton, Howard, Hawxhurst, Johnson, Kramer, Logan, Lamb, Lightburn, Love, R. Martin, H. S. Martin, Moss, Mason, Morris, Newman, Porter, Pierpont, Polsley,



Price, Paxton, Ritchie, Roberts, F. Smith, C. W. Smith, J. H. Shuttleworth, Scott, Snider, J. L. Smith, Swan, Stuart, B. F. Shuttleworth, Trout, Van Winkle, Withers, West, Wetzel, Wilson, Waggener, and Zinn—74.

NAYS:—Messrs. Vance, J. W. Williamson, Mr. President, (A. I. Boreman)—3.

ABSENT:—Messrs. Crothers, Davis, Foley, Michael, Nicholls, Parsons, Ratcliffe, Taft, Tarr, Todd and Watson—11.

MR. POLSLEY moved to reconsider the vote by which the first ordinance had been adopted, for the purpose of offering a substitute for the fourth section; which substitute he read as follows:

“All officers except members of the Legislature, elected on the 23d of May, 1861, now in the service of the State, or of any county, city, or town thereof, including the Judges and Clerks of the several courts, Sheriffs, Commissioners of the Revenue, Justices of the Peace, Constables, officers of city and municipal corporations, and the officers of the militia volunteer companies of the State, not mustered into the service of the United States, shall be vacated on or after the — day of —, or so soon thereafter as their successors shall be elected or appointed, and qualified; and the Governor, Lieut. Governor, Attorney-General and members of the Legislature, and all the aforesaid officers, and all other officers civil or military, hereafter to be elected or appointed, as well as privates of volunteer companies, shall each take the following oath or affirmation, before proceeding to the discharge of their several duties.”

This motion was opposed strongly by Messrs. Carlile, Pierpont, Lightburn and others, and after a good deal of debate, Mr. Polsley withdrew it.

At the suggestion of MR. CARLILE, the names of Albert Laidley and James D. Williamson were stricken from the roll.—the former having declined to take the oath and returned home for instructions, and the latter not having made his appearance, and hence as Mr. Carlile explained, neither being at present members of the Convention properly on the list of names.

On motion, the Convention adjourned.

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## THE NINTH DAY.

THURSDAY, JUNE 20, 1861.

The Convention met at the usual hour and was opened with prayer by Rev. David Hervey.

The minutes of the preceding day were read and approved.

JAMES O. WATSON, of Marion, who was in the Convention for the first time, came forward and took the oath of office.

MR. LAMB offered the following resolution which was adopted:

*Resolved*, That the Secretary of this Convention be instructed to procure a suitable book for the recording of the Ordinances of this Convention, the record to be equivalent to the enrollment of said Ordinance.

MR. CARLILE offered the following as additional to the resolution submitted by Mr. Lamb, which was adopted:

*Resolved*, That all Ordinances passed by this Convention shall be re-committed to the Committee on Business, for revision and correction and when reported back to the Conventions as revised and corrected, they shall be recorded as provided in the foregoing resolution.

MR. DORSEY offered the following:

*Resolved*, That the Committee on Business, be and are hereby instructed to report to the Convention, an Ordinance declaring vacant the offices of all office holders in the Commonwealth, who voted for the Ordinance of Secession passed by the Richmond Convention, which assembled on the 13th of February last.

MR. CRANE, of Tucker, moved to amend the resolution by striking out the word "report," and inserting "enquire into the expediency of reporting."

MR. DORSEY accepted the amendment but subsequently withdrew the acceptance.

MR. CRANE insisted on the amendment.

MR. LAMB arose to a privileged question. He presented the credentials of Henry C. Moore and Duncan M'Laughlin, representatives from Webster county. On his motion the credentials were referred to the Committee on Credentials.

MR. CRANE then proceeded to support his amendment in some remarks. He thought the resolution would not touch many of the cases arrived at, if the resolution merely instructed the committee to vacate the offices of those who voted for the ordinance. There were many persons who did not vote for the ordinance of secession, who now held offices, and were yet secessionists of the worst stamp, and for these men the resolution did not provide. He thought it would be better to wait a short time, when peace might be restored, and the secession forces now terrorizing over the people, driven out of the country, than to take this kind of action now. He thought the resolution looked a little vindictive. In his county, and he doubted not elsewhere, many strong Union men were compelled to vote for the ordinance, who were now as heartily in favor of supporting this movement here and the United



States Government as any member on this floor, and as soon as they could be relieved from the presence of the secession soldiery they would make that support effective. This resolution would not be just he thought, to these men. He hoped the Convention would simply authorize the committee to enquire into the expediency of declaring the offices of such persons vacant.

MR. DORSEY said the resolution was intended to meet a case not met by any of the ordinances yet adopted. There might be many who voted for the ordinance of secession that would be willing to take the oath prescribed in one of the ordinances of this Convention, but for his part he would not be willing to take the oath of any of them. He denied that such were sound Union men. If they had been they would not have signed the ordinance. They were not as good Union men as he was; for he would not have voted for that ordinance at the point of the sword and bayonet. If they had been good Union men they would not have even looked *sideways* at that ordinance. As to the objection that the resolution did not provide for all the cases that needed correction, he thought that no reason why they should not provide for any of them. He believed that those who would be left in office, unless this resolution or its equivalent should be adopted, would give them a great deal of trouble. He wanted the offices to be in the hands of good Union men whom they could trust, so there would be no danger of having the authority exercised against the new State government in times of war.

MR. WEST said he felt proud that he had the honor to inaugurate this move in a resolution he had offered yesterday, although that resolution was then voted down and although the gentleman who now offered this resolution, was one of those who opposed its adoption, yet he was not prepared now to make any distinction between his proposition and the one now made. The only difference between the two propositions was, that this one was more stringent than his own—and stringency was the ground on which objection to it had been founded. His resolution only provided that such parties as were therein named, should be debarred from holding office during hostilities.—This one made that provision without limitation. He would vote for the gentleman's resolution in any shape, though it be ever so stringent. He was glad to see that since yesterday there were indications that the Convention was waking up to the importance of arresting

those parties who had given evidence of their disloyalty to the United States Government and the Government of Virginia now being re-organized here. For his part, he would shoulder the responsibility of such a course. He in part represented a people who it had been proclaimed in Richmond as a disunion people. He wanted to restore the reputation of that people, and relieve them from the false and odious charge. He would stand up for the people who had sent him here, if he should have to die for it, and he intended the world to know that Wetzel county was not represented in this Convention by Leonard S. Hall. (Applause—suppressed by the Chair.)

He came here under the threat that he would lose his scalp if he did so. He hadn't lost it yet, and did not feel very much terrified about the probability of doing so.—In his county, which gave a Union majority of 700 against the ordinance of secession, all the officers were secessionists.—They held all the machinery of the county government, and used their prerogative for the purpose of annoying and insulting loyal citizens. He insisted that such a condition of things ought to be corrected. He wanted the gentleman to urge the adoption of the resolution, and he would support him in doing so.

The hour of eleven having arrived,

MR. CARLILE demanded the order of the day be taken up.

MR. CRANE moved to suspend the rule in order to postpone the special order until half past eleven. The motion was lost, and the order of the day being the signing of the Declaration of Rights, it was taken up.

MR. VAN-WINKLE then offered the following resolution:

*Resolved*, That the mode of signing the Declaration shall be as follows: It shall first be signed by the President in his place, and then by the members of the Convention in the order of their Counties as reported by the Committee on Credentials. The Secretary shall call the name first of the Senator, then of the Delegate or Delegates to the General Assembly and then of the Delegates to the Convention from each county. The person called shall then advance to the table sign his name and return to his seat—all the other members of the Convention remaining seated until their names are called.

The resolution was adopted.

The Declaration, engrossed on parchment was then brought forward and was signed by all the members present—eighty-three—in accordance with the resolution.

THE CHAIR stated that the members now absent could have an opportunity of signing it on their return. On motion of Mr.



Van Winkle, the Secretary was then instructed, after all the members shall have signed the declaration, to certify to the signing, and affix his own signature.

The Convention then took a recess until two o'clock.

#### AFTERNOON SESSION.

Convention re-assembled at 2 o'clock P. M.

MR. FLESHER, of Jackson, obtained leave to read the following paragraph from the *Virginia Chronicle*, a paper published in his county, relating to the fact which he stated a day or two since when he submitted his resolution, that the Court of that county had voted \$3,000 to be raised by a levy to support Secession soldiery.

#### THE STATE LEVY.

If there is anything in all the acts of the Secessionists of the county which is calculated more than another to arouse the indignation of the people it is the infamous act of last Monday, perpetrated by the Secession Magistrates of Jackson county. The Magistrates, certainly without due consideration, voted to tax the people of Jackson county \$3000 for the support of Secession soldiers and their families.

Mr. Turner, Prosecuting Attorney, sanctioned the act, and said the Court was bound by every consideration of loyalty and duty to do it.

He had read the paragraph, he said, with a view of calling the attention of the Committee to the subject. Certainly, something ought to be done to prevent such levies.

MR. LAMB, from the Committee on Credentials, reported that the Committee had examined the credentials of Henry C. Moore, and find him the duly accredited delegate from the election district comprising Webster and part of Nicholas and Braxton counties. He moved that Mr. Moore's name be entered on the roll. It was done, and that gentleman came forward and took the oath of office.

THE CHAIR stated that the first business before the Convention, was the election of a Governor, Lieutenant-Governor, Attorney-General and Council, as provided in one of the ordinances adopted.<sup>7</sup>

7. On the evening of June 19th, the members of the Convention held a caucus, with closed doors, at their room in the Custom House, and unanimously nominated Francis H. Pierpont of Marion county, as their candidate for Governor; Daniel Polsley of Mason county, for Lieutenant-Governor; James S. Wheat of Ohio county, for Attorney-General; and for members of the Council of State, William Lazier of Monongalia county; Daniel Lamb and James W. Paxton of Ohio county; Peter G. Van Winkle, of Wood county; and William A. Harrison, of Harrison county. The election of these officers the next day—June 20th—was therefore, but a mere matter of form. See the *Daily Intelligencer* of Wheeling, June 20, 1861.

MR. LAMB—"I desire, Mr. President, to present to the Convention for the office of Governor, the name of Francis H. Pierpont, of Marion. Mr. Pierpont needs no eulogium at my hands. He is well known to all of us. He is known throughout this country as having been one of the ablest, the most decided and indefatigable advocates of our cause from the very start.—We all know that heart and soul he is with us.

Should it be the pleasure of the Convention to elect Mr. Pierpont, I trust we will all recollect that we, too, have a duty to perform in this matter. It will be necessary for us to secure, if it be possible, the hearty and united co-operation of the people in the support of our Governor. All may depend upon this; the execution of every measure which we here initiate, may depend upon the prompt, efficient and decided support which we may be able to secure from the people to the acts of that officer.

It is necessary that we should rise to the magnitude of the occasion. We are at war. There is war in the midst of us—war all around us; and the measures which were sufficient to secure our quiet and tranquillity in times of peace, will not answer in the great exigencies that are upon us. This movement here—this great movement for the support of the Union—may become, instead of a success, a by-word and a reproach, unless we are prepared not merely to elect a man to the office of Governor, but to give him a decided and efficient support when he occupies the office."

There being no more nominations offered, the roll was called, and after the result was ascertained the President announced that Mr. Pierpont received seventy-seven votes (all that were present,) and was therefore elected Governor of the State of Virginia. (Applause.)

MR. CARLILE said that as it was desirable that the officers to be elected should take the oath of office at once, the committee to whom was entrusted the revision of the ordinance containing that oath had thought proper to present it at this time that, as revised, it might be acted on by the Convention. He read it as follows:

#### OATH OF OFFICE.

I solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof, as the supreme law of the land anything in the Constitution and Laws of the State of Virginia or in the Ordinances of the Convention which assembled in Richmond on the 13th day of February last, to the contrary



notwithstanding, and that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled in Wheeling on the 11th day of June, 1861.

The revision was accepted by the Convention.

THE CHAIR stated that the next business in order was the election of a Lieutenant-Governor.

MR. MOSS.—“I rise for the purpose of nominating before this Convention for the office of Lieutenant-Governor, the name of Daniel Polsley, of Mason.

MR. POLSLEY is so well known to most of the members of this Convention that it would be a work of supererogation if I were to pronounce before this body an extended eulogy on his private character and his qualifications for this important position. Those who are acquainted with Mr. Polsley know him to be a gentleman of courteous manner, of high intelligence, of sound sterling judgment, and of strong practical common sense. Such qualifications, Sir, as I advert to certainly should not be disregarded by this Convention.

In addition to that I would say that Mr. Polsley has never been in public life; that he has never been what we call a politician; and therefore, Sir, is not conversant with the tricks and wiles of that class of public men. In my judgment, Sir, this is an additional reason why his claims to this office should meet with the favorable consideration of this Convention.

Upon all the great questions of the day, Sir, Mr. Polsley is firm and uncompromising; and, Sir, I know his character will justify me in saying, come weal or come woe, he will ever be found in the front rank fighting for the Constitution and the Union.”

The roll was called and the result having been ascertained, the President announced that Daniel Polsley had received seventy-six votes, and was therefore elected Lieutenant-Governor of the State of Virginia.

MR. DORSEY moved that the election of Attorney-General be postponed until Saturday next.

MR. CALDWELL objected. He said it was well understood that Col. Jas. S. Wheat of this city, was a candidate before the Convention. For his part he was prepared to give that gentleman a hearty support.

MR. DORSEY explained that it was at the request of the friends of that gentleman he had made the motion.

MR. LAMB said he felt assured he could convince the gentleman from Marshall that there were good and proper reasons for postponement.

The election for Attorney-General was postponed.

THE CHAIR: The next business is the election of a Council to the Governor.

MR. DORSEY: "I nominate for that position P. G. Van Winkle, of Wood; Wm. A. Harrison, of Harrison; Wm. Lazier, of Monongalia, and Daniel Lamb and James W. Paxton, of Ohio.

I need utter no eulogy on these gentlemen. They are all well known to this Convention as calm, clear-headed, judicious men; just such men as we want in this position."

The roll was called, and Mr. Van Winkle received 73 votes; Mr. Lamb, 73; Mr. Harrison, 72; Mr. Lazier, 73; Mr. Paxton, 70; E. H. Caldwell, of Marshall, 1; and Andrew Wilson, of Ohio,<sup>82</sup>.

#### 8. BEGINNING OF THE RESTORED GOVERNMENT—MEETING OF THE GENERAL ASSEMBLY THEREUNDER.

With the election of the Governor, Lieutenant-Governor, and the members of the Council of State, the Executive branch of the new State Government, was fairly inaugurated. At five o'clock that evening, the new State officials, together with nearly all the members of the Convention, crossed over to "Camp Carlile" on Wheeling Island, where they were received by six hundred soldiers on dress parade, under the command of Captain George R. Latham. Two cannons were fired in quick succession, the echoes of which fairly shook the neighboring hills on both sides of the Ohio river. Governor Pierpont appointed Nathan Wilkinson, Auditor of Public Accounts; and Samuel P. Hildreth, Treasurer of the Commonwealth. Six days previously—June 22d—he had issued a proclamation convening the General Assembly in extra session at Wheeling on the 1st day of July, 1861. In accordance with this, that body convened on that date, and was in session until the 26th of that month. Eleven Senators were present, and forty-nine members of the House of Delegates representing forty-eight counties were in attendance. Daniel Polsley, Lieutenant-Governor, and *ex-officio* President of the Senate, presided over the deliberations of that body, in which William W. Lewis was clerk; Jesse S. Wheat, Sergeant-at-Arms; D. V. Thorp, Door-keeper, and Alexander Campbell, page. In the House of Delegates, Daniel Frost of Jackson County was elected Speaker. Gibson Lamb Cranmer was elected Clerk; Evans D. Fogle, Sergeant-at-Arms. James O. Hawley, First Door-keeper; and James Musgrave, Second Door-keeper.

At 7:00 P M on the evening of the first day, both branches received the message of Governor Pierpont and five thousand copies were ordered printed. In this the Governor said:

"I regret that I cannot congratulate you on the peace and prosperity of the country, in the manner which has been customary with Executives, both State and Federal. For the present, those happy days which as a nation, we have so long enjoyed, and that prosperity which has smiled upon us, as upon no other nation, are departed. We are passing through a period of gloom and darkness in our Country's history, but we must not despair. There is a just God who 'rides upon the whirlwind and directs the storm.' Let us look to Him with abiding confidence. You have met, gentlemen, in the midst of Civil War, but I trust you may yet be assembled under happier auspices, when the strife shall be over and peace and prosperity be restored to this once happy country."

Accompanying this message were his correspondence with President Lincoln, together with letters received by him from Simon Cameron, Secretary of War, and Caleb B. Smith, Secretary of the Interior, all showing recognition of the movement to restore Civil Government to Western Virginia.

On July 9th, the Election of State Officers was the joint order of the day. For Secretary of the Commonwealth, William B. Zinn nominated Lucian A. Hagans of Preston County; John W. Moss nominated George Loomis of Wood County; L. E. Davidson nominated Ellery R. Hall, of Taylor County. Hagans was elected on the first ballot.

For Auditor of Public Accounts, Samuel Crane and Nathan Wilkinson were placed in nomination. Crane was elected on the first ballot.



THE CHAIR announced the election of Messrs. Van Winkle, Lamb, Harrison, Lazier and Paxton as members of the Council to the Governor of Virginia.

THE CHAIR announced the next business in order as being the resolution of the gentleman from Monongalia, and the question on its adoption.

MR. CARLILE wished to postpone for the present the consideration of the resolution. He moved that the Governor-elect be informed of his election at once; and if convenient the oath be now administered to him. It was important that he should be installed in office. A proclamation ought to go forth in the morning's paper if practicable, providing for a special election for the Senatorial Districts, and House of Delegates in those counties where vacancies exist, and a special messenger be sent to those counties.

The suggestion was adopted, and Messrs. Carlile and Lamb, were appointed a Committee to notify Mr. Pierpont of his election.

The Committee retired, and after a time, returned; accompanied by the Governor, whose appearance was greeted with a round of applause, which was joined in by the outsiders.

He ascended the Speaker's stand, and, after being introduced by the President, spoke as follows:

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For Treasurer of the Commonwealth, Fontain Smith nominated Campbell Tarr of Brooke County; James H. Trout nominated Samuel P. Hildreth, of Ohio County. Tarr was elected on the first ballot.

Another joint order for the same day was the Election of United States Senators. At 2:00 P. M. the Assembly proceeded by joint ballot to elect a successor to R. M. T. Hunter, U. S. Senator from Virginia, who resigned his seat in that body, and John S. Carlile of Harrison County, was elected without opposition. Then followed the election of a successor to fill the unexpired term of James M. Mason, who like Hunter, had resigned his seat after Virginia adopted the Ordinance of Secession. H. W. Crothers nominated Daniel Lamb, of Ohio County; Lewis Ruffner nominated Peter G. Van Winkle, of Wood County; and Leroy Kramer nominated Waitman T. Willey, of Monongalia County. Willey was elected on the first ballot.

On July 24th the Committee to examine the bonds of public officers, reported that Samuel Crane, Auditor of Public Accounts, had executed a bond July 9, 1861, for \$20,000.00, conditioned according to law, with Chapman J. Stuart, of Doddridge County, James Burley, of Marshall County, and Wm. Ratcliffe, of Wayne County, as securities therein, which had been approved by the Governor. That Campbell Tarr, Treasurer of the Commonwealth, had executed a bond July 10, 1861, in the penalty of \$50,000.00 conditioned according to law, with Wm. T. Hammond, Nathaniel Wells and Joseph Applegate, as securities therein, which had not as yet been approved by the Governor. That Lucian A. Hagans, Secretary of the Commonwealth had executed a bond, dated July 12, for \$5,000.00, conditioned according to law, with Harrison Hagans, Wm. Hagans and Wm. Frey, as securities therein and approved by the Governor.

Thus was completed the organization of the Restored Government of Virginia. its origin and its operation form the most remarkable chapter in the history of the governments of the individual American States. With the General Assembly adjourned, it remained for the Second Convention of the People of Northwestern Virginia to re-assemble in Adjourned Session, and prepare the way for the division of the State and the formation of West Virginia.—V. A. L.

## SPEECH OF THE GOVERNOR-ELECT.

*“Gentlemen of the Convention:*

I return to you my sincere thanks for this mark of your confidence in placing me in the most critical and trying position in which any man could be placed at the present time.

This day and this event mark a period in the history of constitutional liberty. They mark a period in American history. For more than three-quarters of a century our government has proceeded, in all the States and in all the territories, upon which our fathers erected it—namely: upon the intelligence of the people; and that in the people resides all power, and that from them all power must emanate.

A new doctrine has been introduced by those who are at the head of the revolution in our Southern States—that the people are *not* the source of all power. Those promulgating this doctrine have tried to divide the people into two classes; one they call the laboring class, the other the capital class. They have for several years been industriously propagating the idea that the capital of the country ought to represent the legislation of the country, and guide it and direct it; maintaining that it is dangerous for the labor of the country to enter into the legislation of the country. This, gentlemen, is the principle that has characterized the revolution that has been inaugurated in the South; they maintain that those who are to have the privilege of voting ought to be of the educated class, and that the legislation ought not to be represented by the laboring classes.

We in Western Virginia, and, as I suppose in the whole of Virginia, adopted the great doctrine of the fathers of the Republic that in the people resides all power; and that embraced *all* people. This revolution has been inaugurated with a view of making a distinction upon the principles that I have indicated. We of Western Virginia have not been consulted upon that subject. The large body of your citizens in the eastern part of the State have not been consulted upon that subject.

American institutions lie near to the heart of the masses of the people, all over this country, from one end of it to the other, though not as nearly perhaps in Louisiana, Georgia and Texas, as in some of the Western and Northern States.

This idea has been covertly advanced only in portions of Vir-



ginia. She has stood firm by the doctrines of the fathers of the Revolution up to within a very short period. Its propagators have attempted to force it upon us by terror and at the point of the bayonet. We have been driven into the position we occupy to-day, by the usurpers at the South, who have inaugurated this war upon the soil of Virginia, and have made it the great Crimea of this contest. We, representing the loyal citizens of Virginia, have been bound to assume the position we have assumed to-day, for the protection of ourselves, our wives, our children, and our property. We, I repeat, have been *driven* to assume this position; and now we are but recurring to the great fundamental principle of our fathers, that to the loyal people of a State, belongs the law-making power of that State. The loyal people are entitled to the government and governmental authority of the State. And, fellow-citizens, it is the assumption of that authority upon which we are now about to enter.

It will be for us by firmness, and by prudence, by wisdom, by discretion, in all our acts, to inaugurate every step we take for the purpose of restoring law and order to this ancient Commonwealth; to mark well our steps, and to implore the divine wisdom and direction of Him that ruleth above, who has every hair of our heads numbered, and who suffereth not a sparrow to fall unnoticed to the ground, and His guidance and direction in enabling us to carry out the great work we have undertaken here, in humility, but with decision and determination.

With these remarks I thank you again for the honor you have conferred upon me, and promise you that I will do the best I can in administering your wishes, and in trying to carry out the great object we have been working for here, and for which we expect to work for some time to come. I thank you gentlemen." (Great Applause.)

The oath was then administered by Andrew Wilson, Esq., a Justice of the Peace, and Mr. Pierpont became *de facto* the Governor of Virginia.

THE CHAIR: "The next business in order is the resolution of the gentleman from Monongalia, and the amendment of the gentleman from Tucker."

MR. DORSEY: "Will the gentleman from Tucker for a moment withdraw his amendment? I purpose to withdraw my own reso-

lution to give way for another, which, it is thought, will harmonize the opposing elements on this question.” •

He withdrew the resolution.

MR. FROST: “I move that a committee of three be appointed to wait on the Governor and inform him that this Convention is now ready to receive any communication from him that he may see proper to send in.”

The resolution was adopted, and Messrs. Frost, of Jackson; Crane of Tucker; and —— of Wetzel<sup>9</sup>, were appointed the committee.

MR. CARLILE then, by general consent, proceeded to submit some remarks for the consideration, as he said, of those inclined to favor such propositions as that of the gentleman from Monongalia. The points he made in his remarks were that such a resolution violated the spirit of the Constitution of the United States, as it was equivalent to an *ex post facto law*. He contended that at the time the men, whom it was proposed to turn out of office for voting for the ordinance of secession, gave that vote there was no penalty attached to the act, and thus depriving them of a prerogative on that account was equivalent to establishing a penalty—or was in fact a penalty—for an act done when no such penalty was in force.—That penalty was the loss of the office conferred by virtue of the implied contract between the party and the appointing power.

He said also that it would be punishing their own citizens for the exercise of an undoubted constitutional right. To inflict a penalty for having exercised a guaranteed right would be to abridge that right. It would never do for us to inaugurate any such practice as this in a body assembled for the purpose of protecting the rights and liberties of a free people.

MR. DORSEY followed, contending that it was not the design of the resolution to inflict punishment, but to protect the people against official acts of those who had committed themselves to a doctrine and a series of projects inimical to the rights of the people.

MR. STUART said it was the first time he had ever heard that a man holding an office under the Constitution of the United States, had the right to vote for the ordinance of secession.

9. The name of the member of this Committee from Wetzel county is omitted in the report from which we print.—V. A. L.



Such an act was a violation of the oath taken by all officers to support that Constitution, and was therefore a crime and a perjury.

MR. CARLILE replied, that if it was perjury, then the prosecuting attorneys in the different counties ought to punish all those who had been guilty of this crime, and this would, if enforced, be all the punishment needed, as perjury would forever disqualify them from holding any office thereafter.

THE PRESIDENT cut the discussion short by announcing that he had just received an invitation for the Convention to attend a firing of salutes on the Island, between four and five o'clock, in honor of the election of Governor.

On motion the Convention at once adjourned.

## THE TENTH DAY.

FRIDAY, JUNE 21, 1861.

The Convention met at ten o'clock, A. M., and was opened with prayer by Rev. Gordon Battelle.

The minutes of the preceding day were read and adopted.

*Ordered*, That until the Seals of the Commonwealth ordered by this Convention are procured, the Governor shall affix his private seal to such writs and other documents as it shall be necessary for him to issue.

*Ordered*, That until the appointment of a Secretary of the Commonwealth, the Governor be authorized to employ some suitable person to fill said office temporarily.

MR. DORSEY offered the following:

*Resolved*, That a committee on offices to consist of nine members be appointed.

He said the design of that resolution was to raise a committee to which the various resolutions that had been offered by gentlemen in relation to vacating the offices of the State might be submitted so as to arrive at some harmonious action on that subject.

MR. CRANE, of Tucker, did not know what end the gentleman proposed to reach with the resolution. The committee so raised could of its own volition report nothing. Some matter for them to inquire into would have to be offered after all. If this was another mode of reaching the end sought to be obtained by the resolution offered by the gentleman yesterday morning it would not effect the purpose unless another committee were raised to consider that matter.

MR. DORSEY replied that the design attributed was not the design of the resolution at all, but it was to present these resolutions one after another, and refer them to the committee. The expectation was that the committee would report back some of them, or a different resolution on the general subject, or else present some explanation which might go out to the people, giving them to understand why the Convention had refused to take action on these resolutions.

MR. CARLILE said that if this resolution was to elicit discussion, he would move to let it lie over for the present. He submitted a motion, that when the convention adjourn, it adjourn over till Monday at 2 o'clock.

After some discussion, the motion was adopted.

On motion, then, the ordinance relating to the receipts and disbursements of the public revenue, and providing for the appointment of an Auditor, Treasurer and Secretary of the Commonwealth, was taken up, and after having been considered, section by section, and various amendations made, was passed unanimously.

The ordinance as passed, is as follows:

AN ORDINANCE RELATING TO THE RECEIPTS AND DISBURSEMENTS OF THE PUBLIC REVENUE, AND PROVIDING FOR THE APPOINTMENT OF AN AUDITOR, TREASURER, AND SECRETARY OF THE COMMONWEALTH:

The people of Virginia, by their delegates assembled in Convention, in Wheeling, do ordain as follows:

1. The General Assembly, as soon as it shall be organized at Wheeling, pursuant to the Ordinances of this Convention, shall elect by joint vote of the two houses, an Auditor of Public Accounts, a Treasurer, and a Secretary of the Commonwealth; whose terms of office shall respectively commence as soon as they shall be duly qualified, and shall continue for the unexpired portion of the current term of said offices, and until their successors be respectively elected and qualified.

2. The officers so to be elected shall discharge the duties and exercise the power pertaining to their several offices by existing laws, so far as such law may be consistent with the ordinances of this Convention.

3. Each of said officers shall give bond, with security, to the satisfaction of the Governor, which bond shall be payable to the Commonwealth of Virginia, and be conditioned for the faithful performance of the duties of the office. The penalties of the bonds shall be respectively as follows: that of the Auditor of Public Accounts, Twenty Thousand Dollars; that of the Treasurer, Fifty Thousand Dollars; and that of the Secretary of the Commonwealth, Five Thousand Dollars. Each of these bonds shall be submitted to the Governor for approval; and if he be of opinion that it is in proper form, and duly executed, and that the security is sufficient, he shall endorse his approval thereon, and cause the same to be deposited in some secure place for safe keeping.

4. The Auditor of Public Accounts, and the Treasurer, shall each keep an office in the City of Wheeling, for the transaction of their official business; and the hours for transacting business at said offices shall be from eight in the morning, until three in the afternoon, between the



first day of April and the first day of November, and from nine in the morning, until three in the afternoon, during the remainder of the year.

5. It shall be the duty of the several Sheriffs, and all other persons who have in their hands, or are liable for, any monies which by existing laws are payable to the Treasury of the State of Virginia forthwith to adjust their several accounts with the Auditor to be elected as aforesaid and pay over to the Treasurer herein provided for, the amounts which shall respectively be found due to the State.

6. If any Sheriff or other person, having in his hands, or being liable for, any monies which by existing laws are payable to the Treasury, fail or refuse to adjust his account, or pay over such monies as herein required, the Auditor of Public Accounts shall immediately publish a notice of such default in some Newspaper in the City of Wheeling and if such Sheriff or other person shall not, within thirty days after such publication, have duly adjusted his account and paid over such monies, he shall forfeit and pay to the Commonwealth, the sum of Five Hundred Dollars, to be levied by distress under warrant of the Governor, which warrant it shall be the duty of the Governor to issue, on satisfactory evidence that such default has occurred, directing the same at his discretion to the Sheriff of any county, or to a special Commissioner or Commissioners for the purpose, and the Sheriff or other person making default as aforesaid, and his or their securities, shall further be liable to judgment, in the name of the Commonwealth of Virginia, for the amount appearing to be due, with interest thereon from the time of such default till payment, and fifteen per centum upon the principal, as damages to be recovered by motion on ten days' notice in any Court of Record in the State.

7. The several Commissioners of the Revenue and Sheriffs, having first taken the oath or affirmation required by the Ordinances of this Convention, and being otherwise duly qualified, shall proceed, with all convenient despatch, to the discharge of their several duties in relation to the assessment and collection of the public revenue, under the existing laws, so far as the same may not be inconsistent with the Ordinances of this Convention.

8. All monies to be paid into the public Treasury, shall be paid into the Merchants' and Mechanics' Bank of Wheeling, at the City of Wheeling, or one of its Branches, at Point Pleasant, Clarksburg and Morgantown; or into the North-Western Bank of Virginia, at Wheeling, or one of its Branches at Parkersburg and Wellsburg, but if collected East of the Blue Ridge of Mountains, into the Bank of the Old Dominion in Alexandria, to the credit of The Treasury of Virginia; and the person so paying the same shall take from the proper officer of such Bank or Branch, a certificate of the fact. The Treasurer, on the delivery of such certificate, shall retain and file the same, charging the amount therein specified to the proper Bank or Branch, and delivering to the person who made the payment at Bank, duplicate receipts for the amount so paid, specifying on what account the money was paid. The person making the payment shall forthwith hand over one of the said receipts to the Auditor of Public Accounts, to be retained and filed by him, and charged to the Treasurer's account; upon the other receipt, which is to be retained by the person making the payment, the Auditor shall endorse as follows:—"A duplicate hereof has been filed in the Auditor's office," and affix his signature and the proper date to such endorsement.

9. No receipt of the Treasurer shall be an acquittance or discharge to any person for any sum of money due to the Commonwealth, unless such receipt be endorsed by the Auditor of Public Accounts as aforesaid. And any person bound to pay money into the Public Treasury, who shall pay the same otherwise than according to this Ordinance, shall remain liable for such money, and be subject to every fine, penalty or



forfeiture to which he would have been subject if he had not paid the same.

10. If the Governor, at any time when this Convention, and the General Assembly, re-organized under the ordinances thereof, shall not be in session, shall be of opinion that the safety of the public funds requires that no more public monies should be paid into any one or more of the depositories, specified in the preceding section, or that the monies which may be in the same, to the credit of the Treasury, should be withdrawn, he may announce the fact by proclamation to be published in some newspaper in the City of Wheeling, and in the City of Alexandria, in the proclamation he may, if it be necessary, designate another depository or depositories, at which monies due to the Commonwealth may thereafter be paid. And after such proclamation is published it shall not be lawful to pay any sum of money on State account into any depository or depositories to which such payment shall be thereby forbidden; and the Auditor of Public Accounts and Treasurer, if required by the Governor, shall cause the monies held by such depository or depositories, to be transferred to some other lawful depository or depositories of the Public Funds. But all such Proclamations and orders of the Governor shall, as soon as possible, be submitted to the Convention or to the General Assembly, for their revision.

11. Any person claiming to receive money from the Public Treasury, shall apply to the Auditor of Public Accounts for a warrant for the same. And the Auditor if he find such money to be due by the State, and that the payment thereof has been authorized by any Ordinance of this Convention, or Act of the General Assembly as re-organized under the ordinances of this Convention, shall issue his warrant therefor upon the Treasurer, specifying on what account the money is to be paid, and to what appropriation the same is chargeable. And the Treasurer, on the presentation of said warrant to him, shall, if satisfied that such warrant has been duly authorized as aforesaid, endorse upon said warrant, his Check, directed to some one of the depositories in which there shall be money to the credit of the Treasury, which check shall be payable to the order of the person entitled to receive the amount therein specified. The Treasurer shall, however, at no time, draw a check on any Bank, Branch, or other depository, unless there be money enough therein, to the credit of the Treasury, to pay such check. And no Bank, Branch or other depository, holding money to the credit of the Treasury, shall pay any check drawn by the Treasurer, unless the same be endorsed upon a warrant, authorizing the same issued by the Auditor of Public Accounts.

12. This ordinance shall take effect from its passage. It may be altered or repealed by the General Assembly.

The Convention then took a recess until two o'clock.

#### AFTERNOON SESSION.

MR. LAMB offered a verbal amendment to the ordinance organizing the State Government, which was adopted.

MR. CARLILE offered the following resolution:

*Resolved*, That the Secretary be requested immediately to notify the members of the Governor's Council, not now in the city, of their election as such. Adopted.

MR. MOORE offered the following:

*Resolved*, That this Convention, in view of the extraordinary condition in which our portion of the United States is now placed, we earnestly recommend to the Federal authorities, the construction of a mili-



tary road from Webster, a point on the B. & O. R. R., southward through the State of Virginia, or to some such point as would be suitable for the concentration of forces in the struggle in which our General Government is now engaged.

The resolution was referred to the Committee on Business.

On motion of Mr. Carlile, the ordinance fixing the salaries of certain officers, &c. was then taken up.

MR. STUART moved to amend the line fixing the salary of the Governor at \$3,000 per annum by striking out that sum and substituting \$2,000.

The amendment was rejected.

MR. LAMB moved to insert between the first and second lines the words "Of the Attorney-General at the rate of \$1,000 per annum."

The amendment was adopted.

MR. HUBBARD moved to amend the line fixing the salary of the Secretary of the Commonwealth at \$1,500 per annum by striking out that sum and substituting \$1,200.

The amendment was rejected.

MR. LIGHTBURN moved that the line fixing the pay of the doorkeepers be so amended as to allow them \$2 per day, instead of \$1.50.

The amendment was adopted.

On motion of MR. WEST, the line fixing the pay of the pages was so amended as to allow them \$1 a day, instead of fifty cents.

On motion of MR. LAMB, the second section, requiring that the expenses incurred by the Governor, shall be submitted to the Auditor, the same as any other claims against the State, was so amended as to require the same in regard to the expenses of his council.

The Ordinance, as a whole, was then adopted unanimously.

MR. CLOSE offered the following resolution, which was adopted:

*Resolved.* That a copy of the Declaration adopted by this Convention, and the signatures thereto appended, be sent by special messengers, to be designated by the President of this body, to the President of the United States.

On motion of MR. WEST, the rule was suspended for the purpose of reconsidering the vote by which the election of Attorney-General was postponed until Saturday, and on his motion, the Convention proceeded to the election.

MR. HUBBARD nominated Jas. S. Wheat, Esq., of the city of Wheeling.

No other nominations being made, the roll was called, and Mr.

Wheat received 70 votes; Mr. Farnsworth, of Upshur, 1; Wm. A. Harrison, of Harrison, 1.

THE CHAIR announced that Jas. S. Wheat was elected Attorney-General for the State of Virginia.

MR. FLESHER offered the following resolution, which was referred to the Committee on Business:

*Resolved*, That for the better security and safety of the loyal citizens of this Commonwealth, and the perpetuity of their liberty, it is highly and exceedingly necessary that there should be placed, at least in each of the counties of Western Virginia, by the Federal Government, a recruiting officer, whose duty it shall be to enlist all such young men as may be desirous of engaging in their country's service, and when enlisted, to send them to "Camp Carlile," or elsewhere, for discipline and drill, so as to muster them into the service, of the United States, at as early a day as possible; and that to this end, we invite and solicit the proper officer of the general government, to send us such officers without delay.

MR. BURDETT suggested an inquiry into the whereabouts and disposition of the 2,000 stand of arms now in the city.

MR. CARLILE stated that he had been instructed to say that the Committee of which he was Chairman, had had that matter under consideration, and had unanimously come to the conclusion that the guns referred to, should be handed over to the State authorities here, for arming the volunteer militia of the State, which will be organized in a few days.

MR. DORSEY moved to suspend the rule for the purpose of reconsidering the vote by which the Convention had resolved to adjourn over till Monday. Lost.

MR. MOORE moved that a committee of five be appointed to prepare an address for circulation.

THE CHAIR stated that the Committee on Business already had that matter under consideration.

MR. MOORE withdrew the motion.

The Convention then adjourned till Monday next at two o'clock.

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## THE TWELFTH DAY,<sup>9</sup>

TUESDAY, JUNE 25, 1861.

Convention met at 10 A. M.

Prayer by Rev. J. L. Clark.

MR. LAMB, from the Committee on Credentials, reported Wm.

9. It will be observed that on the tenth day of the session—Friday, June 21st—the Convention adjourned to meet the following Monday, the 24th, at 2:00 P. M. In all the files of the *Wheeling Daily Intelligencer* for 1861, known to the writer to be extant, the issue for Tuesday June 25, 1861, which contained the Proceedings and Journal of the Convention on Monday, the 24th—eleventh day of the session—is missing. It is hoped that the record of the proceedings of this day may yet be found.—V. A. L.



Radcliffe, of Wayne county, member elected to the House of Delegates, from that county, entitled to a seat as such in the Convention.

MR. LAMB, on behalf of the Committee to whom was referred the ordinances passed by the Convention for revision, reported them back with an order that they be duly enrolled. He moved that they be signed by the President and Secretary of the Convention as such.

The report and motion were adopted.

MR. RADCLIFFE came forward and took the oath.

MR. MARTIN, of Wetzel, moved to amend the fourth section of the ordinance for the reorganization of the State government by inserting in the 22d line after the word "duties," the following:

"Provided, nevertheless, that any person having taken the oath of the officers of the government of the United States, and afterwards voted for the ordinance of secession, and since that time have advocated secession principles, shall be disqualified for exercising the functions of any office in this Commonwealth until the cessation of hostilities between the United States, and the seceded States."

MR. MARTIN moved that his resolution be referred and proceeded to make some remarks in support of it.

On the question of referring this resolution, Mr. Martin called for the yeas and nays. The call was not sustained and the question being taken the Convention refused to refer.

So the resolution was tabled.

MR. CARLILE, from the Committee of Seventeen, reported an ordinance, which was adopted, entitled "An ordinance recognizing the Constitutional duty of the Commonwealth of Virginia, to call forth the militia of the State in obedience to the lawful requisition of the Government of the United States, to execute the laws of the Union, suppress insurrection and repel invasions."

MR. CALDWELL, from the same, reported the following which was also adopted:

#### AN ORDINANCE RELATING TO THE COLLECTION OF THE REVENUE.

The people of Virginia by their Delegates in Convention, at Wheeling assembled, do ordain as follows:

1. That on all taxes hereafter collected, there shall be allowed to the person from whom they are collected, by the officer collecting the same, ten per centum on the amount thereof, if such payment be made on or before the 15th day of September next; if made after the 15th of September and prior to the 15th day of October next, six per centum on the amount paid; and if made after the said 15th day of October and prior to the tenth day of November next, three per centum shall be allowed on the amount paid.

2. It shall be the duty of the Auditor of Public Accounts to credit the amounts of the several Sheriffs with the percentage allowed to be deducted from said taxes under the terms of the preceding section, provided said Sheriffs shall account for and pay over the said taxes collected within ten days after each respective period stated in said section.

3. This Ordinance shall take effect from and after the day of its passage and may be repealed or amended by the General Assembly.

MR. LAMB, from the same, presented an ordinance, which was adopted, entitled an ordinance providing that the copies of the ordinance printed under the authority of the Convention shall be received as evidence.

On motion of MR. LAMB, the following order was adopted:

*Ordered*, That the Attorney-General be invited to occupy a seat in this Convention with liberty to participate in the discussions, but not to vote.

MR. CARLILE, from the Committee of Seventeen, reported the following ordinance which was adopted:

*An Ordinance requiring the evidence of the taking certain Oaths to be filed in the office of the Secretary of the Commonwealth.*

The people of Virginia, by their delegates assembled in Convention at Wheeling, do ordain as follows:

1. When a person heretofore elected or appointed, or who shall be hereafter elected or appointed to any office in this State, shall take the oaths required of him in a Court of record he shall procure a transcript from the record of the Court stating the fact of his having taken such oaths, and when he takes such oaths before a Judge, Notary or Justice, he shall procure a certificate of the person administering the same stating the fact.

2. When the oath prescribed in the ordinance for the reorganization of the State government shall be taken as aforesaid, the person taking the same shall cause the said transcript or certificate to be delivered to the Secretary of the Commonwealth, who shall file and preserve the same in his office. And if such transcript or certificate be delivered as aforesaid to the Secretary of the Commonwealth, it shall not be required of the person taking the oath to deliver the transcript or certificate as prescribed by the 6th section of the 13th chapter, or by the 19th section of the 24th chapter of the second edition of the Code of Virginia.

3. This ordinance shall take effect from its passage and may be altered or repealed by the General Assembly.

MR. FARNSWORTH offered the subjoined resolution:

*Resolved*, That if in the opinion of the Legislature, there shall be no necessity for the meeting of this Convention on the first Tuesday in August next, they have the power so to decide; but that the Governor shall have the power to call this Convention together at a later period than the time now fixed on, unless the Legislature shall otherwise direct.

MR. FARNSWORTH moved the suspension of the rule, for the purpose of reconsidering the vote to which the Convention resolved to adjourn to the first Tuesday in August.



The question being taken on the suspension of the rule, it was decided in the negative.

So the Convention refused to reconsider.

On motion, the Convention then took a recess until 4 o'clock, P. M.

#### AFTERNOON SESSION.

MR. VAN WINKLE, from the Committee on Business, reported the Ordinances adopted during the morning session, as revised and corrected, and they were adopted and ordered to be enrolled.

On motion of MR. TARR, a vote of thanks was returned to the President, for the very able and impartial manner in [which] he had discharged the duties of his position.

MR. PORTER also moved that the thanks of the Convention be tendered to the Secretary, Sergeant-at-Arms, and other officers, for the manner in which they have discharged their respective duties.

THE PRESIDENT: "Most cordially do I thank you, gentlemen of the Convention, for the complimentary manner in which you have seen fit to speak of my conduct as an officer called to preside over the deliberations of this body.

I part from you, one and all, with the kindest feelings, with emotions of heart that I have not language to express. We have been engaged in a duty of the highest importance not only to ourselves but to the State of Virginia, and it may be to the United States. I may be sanguine but I am convinced the action of the body will redound to the good of this whole country. We came here, some of us, through difficulties, some at the peril of their lives, some yet trembling, fearing not the consequences of their action, but fearing lest the call for this convention should not be responded to by the neighboring counties. But how agreeably have we been disappointed. We have representatives here from Hancock to Wayne from the Ohio to the mountains, Randolph, Tucker, Gilmer on the one hand, while Kanawha in its strength is with us on the other. We have thirty-four counties; almost one-third of the white population of the State of Virginia is represented by the territory within the counties from which delegates here hail. The people, our constituents, if they once are relieved from military rule, and have permission to express their sentiments, will hail our action here with joy and gladness, and will respond to it with hearts of grati-

tude, and with actions that will tell on the future destiny of this country.

We all love Virginia. We have always been devoted to our institutions, I am sure. It is not our interest to do any injury to the mother of us all. It is our duty to advance her interests, her prosperity and the happiness of the people. I am sure our action here will result in that happiness and prosperity.

Yet our work is not done with the action of this Convention. We have here done our work, and, in my estimation have done it well. We have re-organized a government for the State of Virginia, in lieu of the one which has been usurped. We have appointed officers in those positions to execute those duties where men have acted heretofore faithlessly, and permit me to say, you have been happy in the selection to fill the various offices filled by the ordinances and acts of this Convention. You have chosen men who are capable, who are honest, and who will be faithful to the Constitution and laws of their country. I have every confidence in them, that they will discharge their duties as men, honest men, men who will not go to the right nor to the left, but straight along in the line of their duty.

Then it is for us, gentlemen, after having inaugurated this government, to go home, not to idle away our time—not to fold our arms in inaction, but to go home with the determination to execute the government which we have re-organized; to put in motion in every county and in every neighborhood within our power. And if gentlemen who are opposed to us in politics on this great question of secession see fit to attempt again to oppose the free execution of the laws, it will be necessary for us, by the strong arm of the law, to put our purpose into execution. It is too late to be modest in this matter. It is too late for gentlemen now to doubt. The time for action has now arrived; and he who now falters, at a time when his country most needs his services, falters at a time when that faltering is not only a sin but a crime of the deepest dye.

Let us then go home and enter upon the execution of the government which we have re-organized. The people I am satisfied by an overwhelming majority are with us, and if we only manifest the disposition and the determination to execute our purpose all will be well.

Gentlemen, I return you my thanks for the compliment you have pleased to bestow on me in adopting this resolution. I have spent



a few days with you here very pleasantly, and have enjoyed myself as well as I ever did in my life. With these remarks and my thanks I close and take leave of you.

The Convention then adjourned to meet again on the first Tuesday in August next at two o'clock P. M., unless otherwise ordered by the Governor with the advice of his Council.





## APPENDIX A.

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SPEECH OF HON. FRANCIS H. PIERPONT DELIVERED BEFORE THE SECOND CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA AT WHEELING ON THE 17TH DAY OF JUNE, 1861—SIXTH DAY OF SESSION—IN FAVOR OF THE ADOPTION OF THE DECLARATION OF RIGHTS OF THE PEOPLE OF VIRGINIA.

MR. PIERPONT said:—"I propose to submit a few remarks upon this Declaration before the question is taken; and, Sir, if I should extend my remarks to several topics not particularly embraced in the Declaration, I hope I shall not be considered out of order. We have arrived, Sir, at an important and momentous crisis in the history of our country—one that is to be deplored by every lover of constitutional liberty, and who has any desire in his heart for the Government of the United States performing the great destiny for which it was intended.—And, Sir, it may not be inappropriate for me to refer briefly to a state of facts which has brought about the condition of our country at the present time. I think it must be obvious—perhaps patent to every observer of the history of this country—that the crisis now upon us is not the result of any momentary revulsion that has come upon the country, or of any sudden outburst of feeling in any one section of the country; but that it is the result, Sir, of mature deliberation, concocted in treason, for the express purpose of breaking up constitutional liberty in this country.—And, Sir, I think I am borne out by the facts in the statement that this treason dates as far back as 1833: a dissatisfaction on the part of one single State of this Union with the Government of the United States, and a determination to break it up. The history of the events of those times is fresh in the memory of most of us now. The declaration on the part of the committee that reported the bill calling the convention in the State of South Carolina to pass the ordinance of Secession immediately after the last Presidential election, shows not only the determination of the people of South Carolina at

that time, but that it had been a determination in the minds of that people for twenty-eight years; that they had been educating the minds of the people of South Carolina for the express purpose of breaking off their allegiance to the Government of the United States, and that if they were not taught now, they never would be. That, Sir, South Carolinians admit. That is the boast of their chivalry; they are too high-minded to deny the truth. It was their determination to keep nothing concealed. Ever since the transactions of 1833 the statesmen of South Carolina have never suffered themselves to be called by any of the party names that distinguish the people of the United States in other sections of the country; but have called themselves the great Southern State Rights party. Thus showing all the time that their object was something beyond that of conducting this Government to the high destiny to which all the other States of this Union so proudly looked forward, and for which they had so diligently labored.

When we look, Sir, at the transactions, or theory rather, and the statements of the leading politicians of the South, during the canvass of the last Presidential election, we find that they went on the theory of separate State action, opposing entirely any border conference of Southern States, any action of a general character that would bind together and have for its object the healing up of the seeming dissensions between the North and the South. That separate State action was taken in defiance of the remonstrances of the State of Virginia, and regardless of the wishes of other States reluctantly drawn into it. There was a powerful Union party in Alabama, Georgia, Mississippi, Louisiana and Texas. But these men at the head of affairs in South Carolina, determining to carry out their favorite theory and purpose, precipitated the country into this fearful rebellion.—South Carolina seceded, and was followed by the other States. But we see as early as the ninth of December last, the programme laid down by statesmen in Washington for the formation of a Provisional Government at Montgomery, by the assembling of a Congress on the 4th of February.

Virginia's representatives in the Legislature had been chosen a year before. They were called together by the Governor of the State, who was opposed to Secession. That Legislature, however, was deeply imbued with the spirit of Secession. They immediate-



ly on assembling called a Convention of the State, contrary to the usages of the State. We know, Sir, that so far as Virginia was concerned at the time of the calling of that Convention, there was a large majority of her people opposed even to a Convention being called, while there was an overwhelming majority in the State, opposed to Secession, and in favor of the Union, under the Stars and Stripes and the Constitution of the United States, knowing as they did, and as we all do, that it was to this Union that we are indebted for all our greatness and prosperity.

Now, Sir, it has been said that the protection of negro slavery was the great object of this revolution. I deny, Sir, the whole proposition from beginning to end. And I assert that slavery was only the occasion, the pretext for the rebellion, and for the steps taken to bring it on.—South Carolina, the most honest and bold in her declarations, denied that such was the case. They were dissatisfied with the Union—"the accursed government." They wanted a different government—one more suited to their tastes and habits of life. They tried to make the issue in the Presidential campaign last fall. It was made throughout several of the Southern States, and was made upon the issue of protection to slavery. They tried to make that issue in Virginia. But, Sir, until the day of the Presidential election, there were not three prominent men in this State, politicians or otherwise, that took the ground of secession or breaking up the Union. And we find a pertinent fact connected with this case. In the Eastern part of the State, where the most slaves are owned, the Union ticket, based on the "Union, the Constitution and the Enforcement of the Laws," received a majority of the votes, even of slave holders themselves—showing very clearly that they did not regard secession necessary to protect their interests in slave property, because they felt that under the Constitution of the United States, and the laws passed by Congress, that institution was entirely safe.

Then, sir, it behooves us to look closely, and see how this state of affairs under which we find the country laboring, was brought about, and whether the people of Virginia should be in this distracted condition in which we now find them, by any previous action of their own. We find a peculiar state of things in the South. After the revolutionists had seized the arsenals, the forts, the treasury, or mints, the post offices, and all other government property they could get hold of, we find the Convention of Vir-

ginia still remaining firm for the Union. But there was a deep plot going on all the time. Those who were leading the secession movement, everywhere were acting in concert, and their plans were matured beforehand. All the leading men were initiated—were indoctrinated fully into the views and determination of the leaders. They all acted in concert, and sprung this thing on the people of the country without the people having any concert among themselves. Hence, Sir, we see that immediately upon the step taken by South Carolina, all over the South, and as far as secession influence could reach in the North, the declaration was made that there must be no “coercion.” Not a paper in favor of secession but what came out with the doctrine of no coercion. Sensible men, legal men, in every part of the country looked at one another aghast and in wonderment; and the question was proposed from one to another, and it flew from one end of the Union to the other, “Have we any government at all?” Is this magnificent government built by our forefathers a mere rope of sand or is it a reality?” But still the dogma was promulgated. “There must be no coercion;” and in order to produce a revulsion of feeling in the public mind against those in favor of the enforcement of the laws, they were called “coercionists,” or those whose object and desire were to exterminate their brothers in the South.

In this way things progressed. The last Administration went out, and the present one came in. The policy to be pursued was anxiously asked for and looked to.—Every step the present administration took was tortured into coercion. while odious epithets were showered upon it to make it distasteful to the people of the South.—When the Virginia Convention assembled at Richmond it was ascertained that three-fourths of it were opposed to disunion.—But the plot began to converge to a point. Major Anderson was in Fort Sumter, and it was well known that his provisions were nearly run out. It was known the very day they would run out, and that he must be reinforced, either in provisions, or in provisions and men both. The Virginia secessionists then called their mob Convention to meet in Richmond on the 16th of April. A messenger was sent from Richmond to Charleston *the day before Fort Sumter was fired on*. He made his speech there; saying there was one thing that must be done, and Virginia would secede. They knew in Charleston what that thing was; and Gov. Pickens ordered Fort Sumter to be attacked. The attack was made, and



a despatch came to the Governor of Virginia from the Governor of South Carolina, saying: "Fort Sumter is fired upon; what will Virginia do now?" It is said that the Convention would not even then have dissolved their connection with the United States. But the Secessionists, without the authority of the Governor, dispatched troops to seize Harper's Ferry and the Gosport Navy Yard, with all their munitions of war. The declarations had already gone forth from Charleston, throughout the South, that they intended to seize the Capitol immediately; that Lincoln and his cabinet were trembling in their seats; and were consulting whether to remove to Philadelphia or New York. Thus they *forced* the President to issue his Proclamation, calling for 75,000 troops. They *knew* he would be bound to issue the Proclamation *or retire in disgrace!*—That Virginia must be called on for her quota of troops, or Secession be acknowledged. The proclamation came—Virginia was called on, and then the Proclamation was styled by the conspirators the crowning act of infamy of the Administration, on account of which they must secede. Thus the plot was laid and consummated. The plot was one that was conceived in perjury at Washington, and carried out by falsehood throughout the country, attended by coercion, intimidation, insult and a reign of terror, which was equally concerted throughout Virginia, as well as in the other Southern States.

For several days before the Convention passed the Ordinance of Secession, it was absolutely besieged; members were threatened with being hung to the lamp posts; their lives were jeopardized; the mob was marching up and down the streets, and surrounding the Capitol, and everything was terror and dismay. Immediately upon the passage of the Ordinance of Secession, in every county, as far as I can learn, a systematic reign of terror was inaugurated.

Leading politicians in each county, wherever they dared, propounded to all the Union men questions of the following import—"Are you in favor of the Union, or the State of Virginia?" notifying the party at the same time, that if they were in favor of the Union, that they had better prepare their necks for the halter, or leave the State—some adopting one badge of menace, and some another; such as pistols worn in some prominent place, others, Minnie rifle balls, with holes perforated in them and tied in the button holes of their coats. In other sections of the State where they had the power, irresponsible persons assembled, under the

name of "committees of safety," who proceeded to notify all the obnoxious men in their section, that they must leave the State. This meant Union men. Prosecuting attorneys attended militia training and read the laws on treason. All Union men were admonished that they would be prosecuted for treason.

Before the day of election arrived we see the troops from South Carolina, Georgia and other Southern States, placed all over the eastern and southern parts of the State running up into the valley, and in some parts of Western Virginia. In those parts of the State freedom of election was completely suppressed, and men who dared to vote against secession did it at the hazard of their lives. Thus, Sir, you see the concert by which secession has been inaugurated and carried out in Virginia; and we see that same spirit that reigned in it from the beginning. What is that spirit? Is it the spirit that animates high-minded, noble, honorable men, when they desire to carry out the destiny of a great nation? Na, Sir, it is a spirit of TREASON, that has been propagated by falsehood from one end of the country to the other. And to carry this out; threatening, menace, plundering, oppression, everything which develops the lower, meaner qualities of man, and leads him to despise all governments, all law, all authority, and everything that stands in his way to power—all have been resorted to.

At the inception of secession, we thought we read its spirit in the South, but supposed that spirit would not be carried into Virginia. But in this we were mistaken. The leading politicians of Virginia, both in the East and the West, embarked in the scheme of secession. What had we to do here? We saw that the negro interest in the East did not demand secession. And we knew that the free laborers of the West, by it, would have all their interests cut off and destroyed. We saw that Kentucky was loyal to the laws, and we saw that Maryland was bound to stand fast.—Here then we would be with a white population of 300,000, with our revenues of trade cut off; it could not go to the East, nor to the South, without encountering a custom-house at our doors, with our men liable to be seized and placed in a foreign army to fight against a government they had always loved and honored and to which their prosperity was indebted, and on which the perpetuity of their happiness depended. What was Western Virginia to do? They saw their leading politicians engaged in this nefarious attempt to break up the Government; they saw



free expressssion of opinion in the case suppressed; they saw treason rankling all over the State, with the Governor, Lieut.-G<sup>o</sup>vernor and all the State officials, and four out of five of the Judges of the Court of Appeals, all the Judges of the Circuit Court except one, and, as far as I am advised, nearly all the prosecuting attorneys and Sheriffs engaged in this treasonable work; with one of the Judges of the Court of Appeals acting as counsel to the Governor. But in Western Virginia, in spite of all this terrorism and powerful influence against them, we found a remarkable unanimity among the people, exhibited at the late election, in favor of the Union, and against the ordinance of secession.

What, again I ask, are we to do? I answer—precisely what we are doing. Form a government for the State of Virginia.—The exigencies of the times demand it. It is the only alternative left us. Two-thirds of the people of the State have been forced into rebellion against the government of the United States. They are also in rebellion against the State of Virginia; because the laws of Virginia recognize the Constitution of the United States, as the supreme law of the land. Are we then to lie still, and let our citizens, who are loyal to the government of the United States, be pressed into the Confederate army to fight against their own government, and their property seized and carried off, to support the Confederate troops, who are being used by the usurpers to break up the government? The oppression which exists in other parts of the State, would have reached the city of Wheeling, had it not been resisted by our action. It would have reached other points on the Ohio river, and our men, instead of now being at home, attending to their business, would have been marshalled to-day upon the plains of Manassas Junction, under the piratical flag of the Southern Confederacy, to fight against the loyal army of the United States.

Two plans have been prepared for the purpose of meeting the present emergency. One is, by a division of the State; the other is, by forming a government for the whole State. If the first were practicable, under the Constitution of the United States, I do not think it would meet the present exigency. Our great, or first object is to put down rebellion and restore peace to the country; and wherever the Southern boundary of the new State might be established, when peace was restored to that line, our authority would stop. But by pursuing the latter course, forming a government

for the whole State, as fast as rebellion shall be put down in any section of the State, county elections can be held, men loyal to the Government can be placed in power, who will, by the exercise of their office, restore law and order to the community; and thus, when the rebels are driven out, the whole State will be restored to its former loyalty to the Union. The proper course, I maintain, for us to pursue is, to institute a government for the whole State of Virginia. We are the loyal people of Virginia, entitled by law to the control of its military and civic power, as soon as we can get it. We can get it in a large portion of the State at once. And, then, my firm opinion is, that the Federal Government must succeed in putting down the rebellion in the eastern part of the State, and just as fast as the rebels are driven from that part of the State, law there will be inaugurated under this Government, the offices will be declared vacant, new elections, as I have said, will take place; for as soon as the rebels are driven out the Union element in that section of the State will rise right up and fill the offices. We will have Judges, Sheriffs and Prosecuting Attorneys to enforce the laws. That is the way this thing must work, or not at all. As to dividing the State—which, I have no doubt, will ultimately be done, and which I will favor at the proper time—I would remark that the putting down of rebellion, the lending of a helping hand to aid the Government, the maintenance of constitutional liberty in this land of ours from the St. Lawrence to the Rio Grande, is of vastly more importance to us, and to the world, than the formation of a new State out of Western Virginia, at this time. Permit me to say, Sir, that I look upon this movement as the brightest scheme and most feasible for putting down the rebellion and restoring peace to the country that has yet been proposed. If we can inaugurate this movement successfully, I am confident the same step will be taken in East Tennessee, West Arkansas, North Alabama, and North Mississippi. It has already been commenced in South Florida. It will finally be carried out in all the seceded States. Then I can see no retreat for secession short of the Gulf of Mexico.

The objection has been urged that it is contrary to our institutions to hold any State in the Union against its own will. We have held New Mexico and California by conquest, and they soon became willing subjects; and my word for it, as soon as rebellion is put down in Eastern Virginia, and other seceding States, and



the Union element permitted to rise up, they will freely give their allegiance to the United States.

It has been suggested by intelligent men that we should pass this declaration and adjourn, and wait till we see whether the Federal Government is able to sustain itself, and put down or drive out rebellion in Eastern Virginia; that if the government should fail there Kentucky and Maryland may secede, and we might then have to cast our lots with the Confederate States. This would be the worst policy we could possibly adopt. It would be simply throwing cold water on the Union men of Kentucky and Maryland, and on the efforts of the General Government to put down rebellion.

It simply means that we should stand and look on, preserve our inactivity, and *encourage rebellion to succeed, if it can*; and after it succeeds, take our fortunes with it! Were I President of the United States to-day, and the representatives of Western Virginia should pursue that course, I would say to them—"I know the Southern army will never come to the Ohio river to do *us* any harm, but will only wreak its vengeance on *you*, who have not the nerve to act, who are merely standing looking on with an indifferent eye, to see which party succeeds, and are then willing to fall in with the stronger party, at the conclusion of the fight." But, Sir, there can be no neutrality in this contest; and there need be no doubts on the subject, as to which party will triumph. I tell you, Sir, the Government must succeed, and will succeed, in putting down rebellion. If we should take this course, the President would be justifiable in withdrawing every soldier from Western Virginia.

But, Sir, we lose by every moment we delay; even now, as is reported, Ex-Gov. Wise is about taking command of forces to invade Western Virginia. He will probably not have a very great force to command; but large or small, we will not wait for him to come here. but will meet him at the top of the Alleghenies, and at the tap of the drum, and at the point of the bayonet will welcome him to a grave that he has merited for his treason heretofore!—There is a spirit abroad in Western Virginia that will support the Government of the United States, that will support the rights and interests of Western Virginia, and that will support the action that this Convention is expected to take here and now. It is necessary, absolutely necessary, that we act as quickly as possible, to provide for our security of life and property, and inaugurate law and order. Let me give you an example of the condition of Western Virginia as showing reason why we should act and at once. Take the coun-

ties of Marion, Taylor, Barbour and Randolph. The Judge, Prosecuting Attorneys and Sheriffs of all those counties have joined the secession army, and left the people without the protection due from them in the exercise of their offices. Such, I presume, is the case with many other counties.

Let us go forward then with our proposed work. Common sense suggests it, the emergency demands it, and the time and the circumstances with which we are surrounded warrant us in carrying it out, may demand that we should do so.

It has been said by some that this is rebellion; that it is setting up a separate government in the State of Virginia. But, Sir, I contend that this is neither revolution nor rebellion. It is merely doing what we are bound to do in this exigency, for the protection of our lives and property. Rebellion implies a guilty knowledge and intent against the law and authority of the land. Murder implies a guilty intent on the part of the party who commits it. The murderer deliberately lies in wait with malice aforethought to take the life of his fellow-man; but the man who is caught in an exigency and meets his fellow-man who attempts to take his life, if he defends himself and kills his assailant, is not a murderer. He merely acts in self-defense. There is none of the attendants of murder attached to the transaction. He is simply doing that which is necessary to protect his life.

So it is with our action here. The Constitution of the United States guarantees to every State (and, I take it, only to the loyal people of that State,) the right of a republican form of government. Our Declaration of Rights of the State of Virginia, declares that the people have the right to peaceably assemble and to alter or amend their form of government, when it may become necessary. Now, Sir, this exigency is upon us. The Government of the State is in rebellion against the United States—against the laws and the loyal people of Virginia. We, representing the loyal people of Virginia, are bound to take immediate action to protect their lives and their property. We, then, assemble peaceably, in this exigency. We assemble lawfully, being sent here by the loyal people of Virginia, according to the mode prescribed by the Convention which met in this city in May last, to do whatever is necessary to be done for the safety and protection of the loyal people of Virginia. And, Sir, I would not be afraid to-day to place my position and that of this Convention, for legality, and to stake my life upon it, before the best jurists and statesmen in the civil-



ized world, who understand anything about constitutional liberty, and the facts with which we are surrounded, and risk their decision. It would and must be in our favor. Reason, common sense, precedent, everything, justifies us in carrying out this proposition. I find, Sir, a high precedent in looking into the acts of our fathers in the time of the Revolution—When Lord Dunmore left the seat of Government of Virginia and went on board the man-of-war, with his Council.

Speaking of the power of the President of the United States to decide which is the true government, where there are two governments in a State, and one or both of which claim the protection of the President under the Constitution of the United States, Chief Justice Taney says:

"It is said that this power in the President is dangerous to liberty and may be abused. All power may be abused if placed in unworthy hands.—But it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time more effectual. When citizens of the same State are in arms against each other and the constituted authorities unable to execute the laws, the interposition of the United States must be prompt or it is of little value. The ordinary course of proceedings in Courts of Justice would be utterly unfit for the crisis. And the elevated office of the President, chosen as he is by the people of the United States and the high responsibility he could not fail to feel when acting in a case of so much moment appear to furnish as strong safeguards against wilful abuse of power as human foresight could well provide. At all events it is conferred upon him by the Constitution and Laws of the United States, and must therefore be respected in its judicial tribunals." See Howard's Reports, vol. 7, page 44.

But our action will be submitted to the President and Congress, for their recognition. In looking into this subject, I find it has been distinctly decided by the Supreme Court of the United States, that where a state of facts like this exists—that is, two governments in one State, they may both, or one of them, submit their claims to the government of the United States, in which case the President decides which is the true government of the State, from which there can be no appeal.

Congress has only to see that the government so recognized is republican in form. I am sure and satisfied that the President and Congress must and will recognize us as the rightful government of the State; and will not only recognize us, but will applaud us for the course we have taken, and see that we are sustained in carrying it out. How could the President or Congress doubt on this subject? To do so would be to say by the forms of laws that we were bound to lie till our hands and feet were tied; until our property was taken from us, and ourselves swung upon the gallows! God's

law, Nature's law, man's law never did impose any such obligations as these upon any man or any people, where they were acting with a true and loyal heart and upright intention, and a determination to assert legally their rights. Sir, there can be nothing in law, nothing in reason, nothing in principle or in practice, that can be brought against us. Everything is in our favor, and everything must aid and sustain us in our efforts.



## APPENDIX B.

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### A DECLARATION OF RIGHTS OF THE PEOPLE OF VIRGINIA,

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REPRESENTED IN CONVENTION, AT THE CITY OF WHEELING, THURSDAY, JUNE 13, 1861.\*

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(As Changed, Amended and Adopted.)

The true purpose of all government is to promote the welfare and provide for the protection and security of the governed, and when any form or organization of government proves inadequate for, or subversive of this purpose, it is the right, it is the duty of the latter to abolish it. The Bill of Rights of Virginia, framed in 1776, re-affirmed in 1830, and again in 1851, expressly reserves this right to a majority of her people. The act of the General Assembly, calling the Convention which assembled at Richmond in February last, without the previously expressed consent of such majority, was therefore a usurpation; and the Convention thus called has not only abused the powers nominally entrusted to it, but, with the connivance and active aid of the executive, has usurped and exercised other powers, to the manifest injury of the people, which, if permitted, will inevitably subject them to a military despotism.

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\*This "DECLARATION OF RIGHTS" is one of the most important State papers of West Virginia. As has been seen, it was reported to the Convention at the forenoon session, Thursday, June 13, 1861, by John S. Carlile, chairman of the Committee on Business, otherwise known as the Committee of Seventeen. For three days it was discussed at much length, and changes and amendments were made. Thereafter it was engrossed on parchment, and late in the evening of June 17th, it was adopted by a vote of fifty-six yeas, nays none. Other members recorded their votes as they came in, and three days later—June 20th—it was formally signed by eighty-three members. The copy here printed is an exact reproduction of that used prefatory to the "Ordinances and Acts of the Restored Government of Virginia, Prior to the Formation of West Virginia, with the Constitution and Laws of the State of West Virginia to March 2, 1866." Reprinted by order of the Legislature that year.—V. A. L.

The Convention, by its pretended ordinances, has required the people of Virginia to separate from and wage war against the government of the United States, and against citizens of neighboring States, with whom they have heretofore maintained friendly, social and business relations:

It has attempted to subvert the Union founded by Washington and his co-patriots, in the purer days of the republic, which has conferred unexampled prosperity upon every class of citizens, and upon every section of the country:

It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States, and required their submission to its pretended edicts and decrees:

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy, for offensive as well as defensive purposes:

It has, in conjunction with the State executive, instituted wherever their usurped power extends, a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud:

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government, and by organizing and mobilizing armies, with the avowed purpose of capturing or destroying the Capital of the Union:

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances, treason against the former.

We, therefore, the delegates here assembled in Convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy Commonwealth must be reduced unless some regular adequate remedy is speedily adopted, and appealing to the Supreme Ruler of the Universe for the retribution of our intentions, do hereby, in the name and on the behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth, and that all acts of



said Convention and Executive, tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said Convention and Executive, whether legislative, executive or judicial, are vacated.





## APPENDIX C.

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### AN ADDRESS OF THE SECOND CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA—IN SESSION AT WHEELING.

ISSUED ON THE 25TH DAY OF JUNE, 1861.

The Delegates now assembled in Convention at Wheeling, deem it proper to address their fellow-citizens throughout the Commonwealth, in explanation and vindication of the course they have unanimously felt it incumbent on them to pursue.

It is only necessary to allude briefly to the circumstances which called this Convention into existence, to justify, in the fullest manner, any resumption of authority by the people in whose name they act. The General Assembly, which met in extra session at Richmond, in January last, without the excuse of impending danger or other grave necessity, and without constitutional authority, convened a Convention, "to adopt such measures as they may deem expedient for the welfare of the Commonwealth;" thus tamely relinquishing the very power reposed in themselves by the Constitution, and, as the sequel proved, with a corrupt purpose. Elections were held for delegates to the proposed Convention, and it being then clearly understood that an active and influential party favored the secession of the Commonwealth from the United States, the issue presented everywhere was clearly "Secession" or "No Secession". We need not remind you that by a very large majority of the voters of the Commonwealth, secession was rejected and repudiated, by the election of delegates professedly opposed to that iniquity, nor that a still larger majority required that any act of that Convention, altering the fundamental law or affecting the relations of the State, should be submitted to the people, and without the approbation of a majority, expressed at the polls, should have no force or effect.

The proceedings of that Convention up to the seventeenth of

April last, were evidently intended by those in the secret to persuade the members favorable to the perpetuity of the Union and the people at large, that it was intended to propose terms on which it could be maintained.—On the day named the mask was thrown aside and the Secession Ordinance was passed. This was done in secret session, and no immediate promulgation of the facts was made to the people; nor until since this Convention assembled, was the injunction of secrecy so far removed that the vote on the passage of the ordinance was made public. It now appears that more than one-third of the whole Convention voted against it, and that nine members were absent. Up to this day the debates which preceded the vote are concealed from the people, who are thus denied a knowledge of the causes which, in the opinion of the majority, rendered secession necessary and justified so gross a disregard of their lately expressed will.

Under the legislative act calling the Convention, from which alone that body derived its authority, and under the vote of the people provided for by that act, the secession ordinance had no legal effect until ratified at the polls by a majority of the voters of the Commonwealth. The leaders of the secession movement, whose conduct proved them to be conspirators against the State of Virginia and the peace and welfare of her people, did not wait until the time fixed for this ratification to begin their overt acts of treason against the Government and people of the United States, as well as the State and people for whom they professed to act. Indeed, two days before the adoption of the ordinance, with the connivance, or, as is alleged, in defiance of a feeble Executive, they levied war against both by sending their emissaries to capture the Harper's Ferry Armory, and to obstruct the entrance of the harbor on which is situated the Gosport Navy Yard. This bold assumption of authority was followed by numerous acts of hostility against the United States; by the levy of troops to aid in the capture of the National Capital and the subversion of the National authority, and, to crown the infamy of the conspirators, with whom the Executive had now coalesced, by an attempt, without even the pretence of authority or acquiescence of the people, to transfer their allegiance from the United States to a league of rebellious States, in arms against the former.

In this state of things, the day arrived when the people were to vote for or against the Secession Ordinance. Threats of personal



injury and other intimidations, such as had been uttered upon the floor of the usurping Convention against the remaining friends of the Union there, were used by the adherents of the conspirators in every county of the State. Judges charged the Grand Juries that opposition to disunion would be punished as treason against the Commonwealth; and the armed partizans of the conspirators in various places, arrested, plundered and exiled peaceable citizens, for no other crime than their adherence to the Union their fathers had constructed and under which they had been born and lived in prosperity and peace. We are not apprised by any official announcement of the result of the vote taken under such circumstances; but, whatever the result may be, we denounce it as unfair and unjust, and as affording no evidence of the will of the people on the subject actually presented for their suffrages, and much less of their consent to the self-constituted oligarchy of the South.

In the point of view in which this result, and the transactions which inevitably led to it, should be examined by the people of Virginia, it is unimportant whether secession was of itself desirable or not desirable; because the end cannot justify the means, if the latter are illegal and unholy. In the present case the great principle which underlies all free government: the principle that the will of the people is the supreme law, or as expressed in the Declaration of Independence, that "Governments derive their just powers from the consent of the governed," and in our own Bill of Rights, that "all power is vested in and consequently derived from the people," has not only been violated and set at naught, but has been trampled under foot. In the call of the Convention, in the acts of that body, in the circumstances preceding and accompanying the late election, a continued effort has been made, with what success you know, not merely to disregard the will of the people, but to set at defiance, and to establish the counter principle that the few should govern the many. The men justly termed conspirators and usurpers, because they cannot show your warrant for their acts, were, when this Convention met, practically in full possession of every branch of the State government, and still claim the right to exercise their usurped power; and if you submit to their acts of secession and affiliation with usurpers like themselves, you yield to them the right to govern you in perpetuity. Will your Bill of Rights and Constitution afford you any protection against those who have already violated both? Will your connection with a

pretended Confederacy, in every State of which the leaders have openly and directly refused to submit their similar acts to the approval or rejection of their people, aid you in the recovery of the fundamental right of which you have been so wantonly robbed?

But is secession right, or is it desirable if it is right? We will not amplify the argument on the first branch of this enquiry. The ratification of the Constitution of the United States by our own Commonwealth, in express terms, reserves the right to abrogate it to those by whom it was made, the People of the United States; thus repudiating in advance the modern doctrine of separate State secession. This is in strict accordance with the views of our elder statesmen, whose patriotism and ability are held in reverence, not only by us and by our fellow citizens of the Union, but by good men throughout the world. It is the logic of every honest heart, that a contract, a compact, or call it what you will, can only be set aside by the joint act of those by whom it was made.

But why should secession be desirable? Why should Virginia desire to withdraw from that Union of which she has been for so long an honored member—that Union, the accomplishment of which illumines with the brightest rays her own history and the lives of her most distinguished sons? Shall it be said that what she toiled to achieve in 1787, was destroyed by her own act in 1861? Is there on the page of history the story of a nation that has risen more rapidly to prosperity and power, or more steadily advanced in intellectual and moral culture? There is no such nation, nor is there among the thirty-four States, one which has profited more by the association, or one which would suffer more from its dissolution, as is sufficiently indicated by our geographical position.

Impressed with these views, the Northwestern counties of the State, knowing that a large majority of their people remained and would remain faithful to the Union under all circumstances, met in Convention at Wheeling on the 13th day of May last, to consult upon their condition and to take such steps as it might indicate. It was literally a mass Convention, and from the irregular manner of the appointment of its delegates, was not calculated for the despatch of business. As the result of its deliberations, the Convention which now addresses you was called, the representation in which is proportioned to that of the General Assembly. The number of counties actually represented is thirty-four, and we have reliable assurance that several which are now with us



in spirit, will ere long be present by their regularly appointed delegates. Considering that in so many counties every expression of opinion unfavorable to the conspirators is suppressed, the number already represented is larger than could have been anticipated. Several of the delegates present escaped from their counties at the risk of their lives, while others are still detained at home by force or menace against them or their families and property. Such is doubtless the case in other counties from which we have no information.

Two courses of action were presented to those who now address you upon their organization; both of which had been debated in the previous Convention at this place. The first was the immediate separation of the Western or Northwestern counties from the residue of the State. This was the result rather of a previous and growing belief, now amounting to conviction in the minds of all throughout this section of the State, that diversity, almost opposition of interests; different directions of the channels of trade, and the want of legislation adapted to their conditions, and indispensable to their moral and material prosperity, rendered the separation desirable under any and all circumstances. But aside from the constitutional requirements which made its accomplishment almost impossible while hostilities continued, the consideration that to separate now, would be to separate from many who, under circumstances even more adverse than those by which they had been themselves surrounded, had maintained their loyalty to the Federal Government, caused the abandonment of this course at this time. On the other hand, a sense of duty to those who like themselves, were constrained to repudiate the action of the Richmond Convention and the State authorities, demanded that such a course should be taken as would enable all the loyal citizens of the Commonwealth to participate in its advantages, and to enjoy the security it might offer.

Besides submission to palpable usurpation, there was then but one alternative, namely, under the authority of numerous precedents in the history of nations, to assume the conduct of the government, on the ground that those previously intrusted with its administration, by their numerous illegal and unconstitutional acts in plain derogation of the rights of the people, had, in the language of the Declaration of Independence, "abdicated government by declaring us out of their protection, and waging war

against us;" whereby, in the words of the same instrument, "the legislative powers, incapable of annihilation, have returned to the people for their exercise." This Convention, therefore, in humble, but, as they firmly believe, proper imitation of the sages of '76, have, "in the name and on behalf of the good people of Virginia," issued their Declaration, "that the preservation of their dearest rights and liberties, and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth."

In pursuance of the Declaration, we have passed such ordinances as are immediately necessary to re-organize the government, and put it in operation. We have appointed a Governor, Lieutenant Governor, Attorney General and Executive Council, leaving to the General Assembly, which we have directed to be convened at a very early day, to fill, or to provide for filling, all other offices as soon as in their judgment, it can be properly done. The terms of the officers we have appointed, are limited to six months or until the election and qualification of their successors, for which the General Assembly is authority to provide at the earliest possible period. In all this, our fellow citizens will clearly perceive that there has been no disposition to assume any power or authority not demanded by the exigencies of their present unhappy condition, or to retain it longer than a regard for their highest interests may require.

In reply to remarks which have been made abroad, we deem it proper to say that we have seen no occasion to take any steps in reference to the debt of the State. The idea of the repudiation of any part of it which was legally contracted has not been expressed or entertained by any member of the Convention. The only notice the subject has received, has been in connection with the proposed separation of the Western counties, and whenever it has been thus named, those desirous of separation, have invariably expressed their willingness to assume their equitable portion of the burden. Any promises of payment or projects of arrangement at this time, when the very existence of the Commonwealth is threatened, would be worse than idle.

Under all these circumstances, with the firm conviction that the course adopted is the only one by which the State can be retained in the Union, and the liberties and rights of the people secured and perpetuated, we most earnestly call upon our loyal



fellow-citizens in every county of the Commonwealth, who are not already represented in the General Assembly and in this Convention, to elect members of the Legislature, and appoint Delegates to this body, at the earliest possible moment,—Writs of election will be issued by the Executive whenever it appears that they can be executed, and Representatives from every county will be most cordially received. No suspension or essential change of any part of the Constitution or Laws of the Commonwealth, unless positively demanded by the exigencies of the times, will be made, until the will of the whole people or of their authorized representatives, can be freely expressed and such changes as have been or may hereafter be so demanded, will be submitted for ratification at an early day.

We call upon the loyal citizens of the Commonwealth, to organize and arm for its defense against the conspirators and usurpers at Richmond, and their aiders and abettors. Plans will immediately be devised to give to such organizations, the greatest efficiency. The General Government will aid and protect us to the utmost of their power, and will most unquestionably recognize the re-organized government, as the true and legitimate government of the State. They cannot and will not do otherwise.

The re-organized Government appeals to the great body of the people, for countenance and support in this hour of great anxiety and trial. They do so confidently, because, while there have been many defections from the great and holy cause of "Liberty and Union," among those to whom you have been accustomed to look for political information and direction, there have been comparatively few among yourselves. In this matter, which appeals to your dearest rights and interests, you have responded spontaneously to the promptings of your honest hearts. Your own experience has taught you the great benefits of the Union, and you recognize the great principle, that a government so beneficial in its operations, so mild in its requirements, so powerful to protect, and constituted as to diffuse throughout an immense territory the blessings of prosperity and happiness, "should not be changed for light and transient causes." In every country where the free expression of your views has been permitted, your majorities in favor of the maintenance and perpetuity of the Union, have far exceeded the calculations of the most sanguine among your friends. Persevere then, in your most holy war against

the corrupt and perjured oligarchy, who have usurped your government, and would have sold you to the ambitious despots of an unholy affiliation. In such a cause, we may look for the blessings of that Holy One, who has made it a part of His Divine Providence, that those, who in purity of heart and purpose, strive for the preservation of their dearest rights, their homes and their country, although the struggle may be protracted for long and weary years, shall never strive in vain.

By order of the Convention.

ARTHUR I. BOREMAN, President.

GIBSON L. CRANMER, Secretary.



## JOURNAL

OF THE SECOND OR ADJOURNED SESSION, OF THE SECOND CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA, RE-ASSEMBLED AT WHEELING, AUGUST 6, 1861, AND ADJOURNED *SINE DIE* AUGUST 20TH, ENSUING.

ADJOURNED SESSION—FIRST DAY,

TUESDAY, AUGUST 6, 1861.

The State Convention which adjourned on the 25th of June last re-assembled yesterday, pursuant to adjournment, at two P. M., in the United States Court Room in the Custom House of this city.

THE PRESIDENT, Arthur I. Boreman, of Wood county, resumed the Chair and called the Convention to order.

The sitting was opened with prayer by Rev. Gorden Battelle, of the M. E. Church.

MR. WEST, of Wetzel, offered the following preamble and resolution, which were adopted:

WHEREAS, The members of this Convention are satisfied that a large majority of the good and loyal citizens of Western Virginia are in favor of a division of the State, yet there seems to exist a difference of opinion as to the proper time, as well as the proper means to be used to effect the object; therefore

*Resolved, by the Convention,* That in order to produce harmony and facilitate action, the President of the Convention appoint a committee consisting of one member from each county represented in this Convention, whose duty it shall be to take the whole subject of a division of this State into consideration, as a basis upon which the Convention may act, and report to this body at the earliest day possible.

MR. FROST, of Jackson, moved, as several members of the Committee on Credentials were absent, that three additional members be appointed.

The motion was agreed to, and Messrs. Nicholls of Brooke, Caldwell, of Marshall, and Jackson of Lewis, were appointed.

On motion of MR. VAN WINKLE of Wood, it was ordered that the Committee on Credentials have leave to sit during sessions of the Convention.

MR. FROST presented the Credentials of James Smith of Jackson, as claimant to a seat in the Convention.

The papers were referred to the appropriate Committee.

MR. FOLEY, of Doddridge, offered the following:

*Resolved*, That the Committee on Business inquire into the expediency of repealing the Stay Law enacted at the late session of the Legislature.

On the question of adopting the resolution, Mr. Foley demanded the yeas and nays.

The demand was not sustained, and the question being taken by yeas and nays, the resolution was lost.

MR. VAN WINKLE offered the following series of resolutions of inquiry:

1. *Resolved*, That the Committee on Business inquire into the expediency of abolishing the Board of Public Works and conferring the powers and duties thereof on the Governor and Council.

(MR. VAN WINKLE said it would be remembered that a bill abolishing this board, passed the Legislature, but as the Constitution requires a three-fifths vote to abolish the Board of Public Works, and the vote by which it was passed, it was thought by some did not meet the requirements, that act might be null. This resolution merely proposed to make good that enactment.)

2. That the Committee on Business inquire into the propriety of devolving on the Auditor elected under ordinance of this Convention, the duties of both the first and second auditor, as prescribed by the Constitution and laws.

3. That the Committee on Business inquire into the propriety of defining by ordinance what acts of persons lately holding office under the Commonwealth, shall be deemed (and taken to be such) as adhering to the Richmond Convention, and late Executive so as to vacate their offices under the last clause of the Declaration adopted by this Convention on the 17th day of June last.

4. That the Committee on Business, be directed to inquire into the expediency of providing for the arrest and punishment of such persons as shall exercise or attempt to exercise the powers and authorities, or perform the duties of an office, which shall have been declared vacant under the ordinance of this Convention.

5. That the Committee on Business, report an ordinance, declaring that the ordinances and other acts of the Convention which assembled at Richmond on the 13th of February last, are null and void and of no force.

6. That the Committee on Business report an ordinance providing for the publication of the ordinances of this Convention, and the public laws passed or hereafter to be passed by the General Assembly, in one newspaper printed in each county of the Commonwealth if any there be, to be paid for at the same rates as are allowed for the newspaper publication of the laws of the United States.

The resolutions were adopted and sent to the Committee on Business.



MR. VAN WINKLE remarked that as the Chairman of that Committee (Mr. Carlile) was at Washington, as the second had not arrived, and the third had been Mr. Pierpont, now Governor, the fourth on the Committee, Mr. Hagans, of Preston, became the Chairman.

MR. HAGANS said he would waive the order in favor of the gentleman from Wood, (Mr. Van Winkle).

MR. VAN WINKLE hoped the gentlemen would not do so, at least not till after calling the committee together. The committee could then make any arrangements they pleased.

MR. HAGANS consented, and named eight [o'clock] next morning for a meeting of the Committee of Seventeen.

MR. FROST moved that when the Convention adjourn, it adjourn till 3 P. M. to-morrow.

The motion was agreed to, and the Convention then adjourned.

#### ADJOURNED SESSION—SECOND DAY.

WEDNESDAY, AUGUST 7, 1861.

The Convention met at three P. M.

Minutes of yesterday were read and approved.

MR. BROWN, of Preston, from the Committee on Credentials, presented the report of that Committee, stating that George Koontz, of Jefferson, Blackwell Jackson, of Lewis, Thomas Cather of Taylor, Andrew Flesher<sup>1</sup> and James Scott of Jackson, are entitled to seats in the Convention as members of the same.

THE CHAIR stated that such of the gentlemen as were members of the Convention by virtue of their membership in the Legislature, would not need to take the oath, as they had already taken it in qualifying as members of the Legislature.

Messrs, Koontz and Smith then came forward and the oath of office was administered to them by the President.

MR. FLEMING, of Harrison, offered the following resolution:

*Resolved*, That the Committee on Business inquire into the expediency of reporting an Ordinance confiscating the real estate of all persons in this Commonwealth who have left their homes and taken up arms in rebellion against the government of the United States.

MR. CRANE, of Randolph, said he did not see why they should subject the real estate to confiscation, and not the personal, of the

1. In the report of the proceedings of this day, printed in the *Intelligencer* of Wheeling, it is stated that Andrew Flesher was from Mason county. This is an error. He was certainly from Jackson county.—V. A. L.

parties named. He moved to amend the resolution so as to make it read "real and personal."

MR. FLEMING accepted the amendment.

The resolution was then adopted.

MR. CRANE, of Randolph, offered the following:

*Resolved*, That the Committee on Business inquire into the expediency of allowing the Sheriffs and other collectors of the public revenue, an additional compensation to that now allowed by law for a limited time.

Adopted.

MR. FARNSWORTH, of Upshur, offered the following:

WHEREAS, The late Legislature refused to give its consent for a division of the State or the formation of a new State; and, whereas, we deem it necessary in compliance with the Constitution of the United States to have such consent before the creation of a new State, therefore

*Resolved*, That we deem it unwise at this time for this Convention to take action for a division of the State, and that when it adjourns on Friday next, it will adjourn *sine die*.

MR. WEST moved to lay the resolution on the table. It was calculated to embarrass the prosecution of business, and he did not want to get into another snarl.

MR. VAN WINKLE moved to amend by referring the resolution to the committee on the subject raised yesterday. He subsequently withdrew the motion.

MR. HAGANS said he was instructed by Dr. Parsons, who was unwell, to have him sent for by the Sergeant-at-Arms, if any test vote should be taken.

MR. WEST thought the Convention should at once put down everything calculated to impede its business, and of course such a resolution as this would do it.

MR. FARNSWORTH demanded the yeas and nays.

MR. CRANE, of Randolph, said it was his impression that according to the rules adopted for the government of the Convention, the resolution having been objected to, must lie over.

THE PRESIDENT said there was no such rule as far as he was aware.

MR. VAN WINKLE thought the resolution should take the same direction as the resolutions yesterday. He had made his motion to amend with that view. If the yeas and nays were to be called he would have to call for a division of the question, for the resolution provides for two distinct objects, an expression of sentiment, as well as an adjournment.

MR. CRANE, of Randolph, thought the preamble might go to a committee, but the latter part could not.



MR. MARTIN, of Wetzel, wished to say a word or two about the disposition of the resolution.

THE PRESIDENT said the question before the Convention was not debatable, and that the first question was on the motion to divide the question.

MR. WEST had not understood the gentleman from Wood to call for a division of the question. His motion was to refer. If he did so, it was after the yeas and nays were demanded. After a motion to lay upon the table, there was no parliamentary rule that justified the division of the question. The motion to lay on the table carries the whole subject with it.

MR. FROST had understood the gentleman from Wood to call for a division of the question.

THE PRESIDENT—He did.

MR. FROST—He certainly did so before the call was made for the yeas and nays.

THE PRESIDENT said it was for the Convention to decide whether they would divide, and whether they would lay the resolution on the table, or part of it.

The question, shall the question be divided? was put and decided in the negative.

The question recurred on laying the resolution on the table.

On this question the yeas and nays, having been demanded and the demand sustained, were taken and resulted as follows:

YEAS:—Messrs. Berkshire, Burley, Brown, Burdett, Broski, Barrick, Crawford, Crane of Preston, Crane of Randolph, Cather, Caldwell, Carskadon, Davidson, Douglas, Foley, Fleming, Hale, Hagans, Hooton, Howard, Jackson, Kramar, Koontz, Lighburn, Love, Martin of Wetzel, Mason, Michael, Myers, Nicholls, Smith, (C. W.) Slack, Snider, Swan, Taft, West, Withers, Williamson of Pleasants and Zinn.—39.

NAYS:—Messrs. Atkinson, Boreman of Tyler, Barns, Brumfield, Downey, Farnsworth, Flesher, Fast, Frost, Graham, Harrison, Hubbard, Johnson, Logan, Porter, Ritchie, Smith (Fontain), Scott, Stuart, Trout, Todd, Van Winkle, Wilson, Watson, and Boreman of Wood (President).—25.

Remainder of members absent.

So the motion prevailed, and the resolution went to the table.

THE PRESIDENT said: "The gentleman from Doddridge (Mr. Foley) yesterday offered a resolution of inquiry in regard to a repeal of the Stay Law, and asked for the yeas and nays upon it. The Chair decided at the time that there was not a sufficient number up to sustain the demand: In [this] that he had been mistaken, not having read the rule since he left the Chair at the close of the other session. The rule requires seven besides the mover. He had confounded it with the rule requiring twenty to second a call for

the previous question. The gentleman was entitled to the yeas and nays on his resolution."

The resolution was read by the Clerk as follows:

*Resolved*, That the Committee on Business inquire into the expediency of repealing the Stay Law passed during the late session of the Legislature.

MR. STUART said it was a mere resolution of inquiry, and he hoped the house would grant the gentleman the favor.

THE PRESIDENT said the gentleman from Doddridge had a right to demand the yeas and nays, and he would now again put the question, is the demand for the yeas and nays sustained?

A sufficient number rose, and the question on the adoption of the resolution was put. The roll was called and resulted yeas, 24; nays, 41.

So the resolution was rejected.

THE PRESIDENT then announced the following gentlemen as the Committee appointed under the resolution of the gentleman from Wetzel, (Mr. West.)

#### COMMITTEE ON A DIVISION OF THE STATE.

Messrs. West of Wetzel, Crawford of Hancock, Nicholls of Brooke, Wilson of Ohio, Burley of Marshall, Johnson of Tyler, Stuart of Doddridge, Williamson of Pleasants, Douglas of Ritchie, Van Winkle of Wood, Flesher of Jackson, Wetzel of Mason, Brumfield of Wayne, Kramer of Monongalia, Barns of Marion, Cather of Taylor, Zinn of Preston, Parsons of Tucker, Crane of Randolph, Myers of Barbour, Smith of Upshur, Lightburn of Lewis, Withers of Gilmer, Davis of Harrison, Graham of Wirt, Slack of Kanawha, Trout of Hampshire, Hawxhurst of Fairfax, and Miner of Alexandria.

MR. FLESHER offered the following resolutions:

1. *Resolved*, That the Committee on a Division of the State be requested to inquire into the expediency of taking the sense of the people in all the counties lying west of a line from the northeast corner of Tennessee and running to the top of the Allegheny mountains to the State of Maryland, on the question of a division of the State.

2. That the sense so required shall be taken by a vote in the usual forms at the several places of holding elections in the said counties, on a day fixed by this Convention in the month of October next.

3. That if a majority of the voters shall cast their votes on that day in favor of a division of the State, the Legislature shall be requested and empowered to pass a law calling a Convention to assemble at the Capital at Wheeling, at as early a day as may be, for the purpose of forming a constitution, and doing all other things necessary to be done for the proper organizing of Western Virginia into a State to be called the State of New Virginia.



The resolutions were referred to the Committee on a Division of the State.

MR. TODD, of Taylor, offered the following:

WHEREAS, The Legislature of this Commonwealth, which met in Wheeling during the month of July, 1861, did refuse to give her consent for a division of the State, therefore

*Resolved*, That this Convention deem it inexpedient at this time to further legislate on the subject.

Referred to Committee on a Division of the State.

MR. VAN WINKLE reported from that Committee, ordinances with the following titles:

An Ordinance declaring null and void the proceedings of the Richmond Convention of 1861.

An Ordinance providing for the discharge of the duties of the office of Second Auditor.

An Ordinance providing for the publication in newspapers of the Ordinances of this Convention and the laws passed by the General Assembly.

An Ordinance providing for the discharge of the duties of the Board of Public Works.

The ordinances thus reported were laid on the table, and ordered to be printed.

MR. STUART moved to suspend the rule for the purpose of reconsidering the vote referring the resolution offered by the gentleman from Taylor (Mr. Todd.)

Lost.

MR. VAN WINKLE moved that the convention, when it adjourn, adjourn to meet at 11 o'clock next morning. The Committees need more time than the Convention, and this would give them some time to prepare business.

The motion was agreed to.

The Convention then adjourned.

#### ADJOURNED SESSION—THIRD DAY.

THURSDAY, AUGUST 8, 1861.

The convention met at 11 A. M.

Prayer by Rev. J. T. McClure, of the United Presbyterian Church.

Minutes of yesterday were read and approved.

MR. CARLILE said he had drawn up some resolutions which he

desired to submit to the Convention as a sort of test of their sentiment on a question which he believed had occupied their time since their meeting—a division of the State. He wished to offer some remarks in support of them though he was advised that his health would not permit him to enforce his views as he would like to. He would submit the resolutions merely as suggestive, and the Convention could dispose of them as they saw fit. He then desired to give the reasons that forced themselves upon his mind, and brought him to the conclusion that action in the direction pointed out in the resolution should be at once taken. He read the resolutions as follows:

*Resolved*, That the Committee on Business be instructed to report an ordinance providing for the formation of a separate State out of, and to be composed of the following counties, to-wit: Jefferson, Berkeley, Morgan, Hampshire, Hardy, Barbour, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Ritchie, Putnam, Randolph, Preston, Roane, Taylor, Tucker, Tyler, Upshur, Wood, Wayne, Webster, Wirt, Wetzel.—38.

2. That the Committee on Business be instructed to report an ordinance providing that any county lying contiguous to the boundary proposed for the new State, a majority of whose people shall express a desire to be admitted into the proposed new State, shall form a part thereof.

3. That the same Committee be instructed to report a constitution and form of government for the said proposed State, to be submitted to the people thereof for ratification or rejection, at the polls, on the 4th day of October next, and at the same time the sense of said voters to be taken on the question of the formation of said new State.

MR. CARLILE followed at length in support of his resolutions, and was replied to briefly by Mr. Stuart, who moved to lay the resolutions on the table.

[The remarks of these gentlemen will appear as early as practicable.—Editor].

MR. SNIDER demanded the yeas and nays, and the demand was sustained.

MR. CRANE, of Randolph, did not think the resolutions ought to be laid on the table. They had already wasted an hour in the discussion—

MR. STUART inquired if the motion to table was debatable at this time.

THE PRESIDENT said the merits of the question could not be argued.

1. The speeches of John S. Carlile and Chapman J. Stuart, here referred to by the editor, were printed in the *Daily Intelligencer* of Wheeling, August 10, 1861, and are reproduced therefrom in full in Appendix B at the end of the Journal of this session of the convention.—V. A. L.



MR. CRANE had desired to say something on the merits of the question, but supposed under the rule he would be precluded. He had always, in his short experience, opposed laying resolutions on the table as a waste of time. An indefinite postponement effected something, as it was generally equivalent to a defeat, but laying on the table only gave time for a renewal of the fight, exhausting our energies, and consuming time without accomplishing anything.—

THE PRESIDENT read the rule, that “when a motion to lay on the table is made, there shall be no debate on that or on any incidental question arising out of it.”

MR. CRANE gave way.

MR. CALDWELL, of Marshall, moved that the gentleman from Randolph be permitted to discuss not only the motion to lay upon the table but the merits of the question.

MR. LIGHTBURN said he intended to vote for the resolutions, but as the hour of 12 had passed, he moved a recess till 2 o’clock.

MR. HOOTON called the previous question of laying on the table.

MR. DORSEY rose to a point of order, and inquired if a motion to adjourn could be entertained when a question was about to be put?

THE PRESIDENT thought not after having proceeded to take the vote; but sometimes a question was discussed for days, and if they could not take a recess they would have to sit a good while without anything to eat.

MR. STUART inquired if the question would not have to be put before the motion to adjourn could be entertained?

THE PRESIDENT thought not.

MR. DORSEY desired to know whether any business could intervene between the calling for the yeas and nays, and the putting of the question itself.

MR. CARLILE said his little experience taught him that a motion to adjourn can be put at any time after the yeas and nays have been ordered, before a response to the call. A motion to adjourn was always in order under their rules, and under general parliamentary law.

MR. LIGHTBURN had made his motion because, under the motion of the gentleman from Marshall, time would be consumed in a discussion that could not now be so disposed of. If he would withdraw the motion to allow the discussion to proceed, he (Lightburn) would withdraw his, otherwise, he must insist on it.

MR. CALDWELL declined to do so.

The question was then put, and the Convention took a recess till 2 P. M.

#### AFTERNOON SESSION.

Convention met at two o'clock.

THE PRESIDENT said the pending question was, "Shall the member from Randolph be permitted to address the House on the merits of the question of laying the resolutions offered by the gentleman from Harrison upon the table."

A running discussion of some length ensued.

MR. CRANE did not wish the matter to be pressed.

MR. NICHOLLS asked his friend from Doddridge to withdraw his motion to lay on the table, in order that he might make a motion to refer to the Committee on a Division of the State.

THE PRESIDENT said it could not be done.

After some further parley, the yeas and nays, having been ordered on the question to lay the resolutions on the table, were taken and resulted as follows:

YEAS:—Messrs. Atkinson, Boreman of Tyler, Barns, Burley, Broski, Barrick, Crawford, Caldwell, Carskadon, Downey, Flesher, Fast, Gist, Graham, Harrison, Hubbard, Hawxhurst, Johnson, Koontz, Lamb, Mason, Nicholls, Porter, Polsley, Ritchie, Smith (Jas. H.), Smith (Fontain), Stuart, Tarr, Trout, Todd, Van Winkle, West, Watson, Farnsworth, Slack, and Boreman of Wood (President.)—37.

NAYS:—Messrs. Brown, Burdett, Cather, Carlile, Crane of Preston, Crane of Randolph, Dorsey, Douglass, Ferrell, Fleming, Hale, Hagans, Hooton, Howard, Jackson, Kramer, Lightburn, Love, Martin, of Wetzel, Myers, Michael, Price, Smith of Pleasants, Scott, Snider, Swan, Withers, Williamson of Pleasants, Wilson, Zinn, Frost and Davidson—35.

So the motion to table the resolution prevailed.

MR. BROWN from the Committee on Credentials, reported adversely on the claims to a seat in the Convention of Jonathan Roberts, of Alexandria. He said it was desired, that the case should come before the Convention for its action.

MR. HAWXHURST moved that the credentials be read. They were so read, and after some discussion, MR. LIGHTBURN moved their recommitment, which was agreed to.

MR. ZINN presented a petition of citizens of Preston county, praying for a division of the State, which on his motion, was referred to the Committee on Division of State.

MR. WEST offered the following resolution:

*Resolved*, That the appropriate Committee be instructed to report an ordinance to so amend the Constitution of the State as to provide for



the creation of new counties of a less area than is required at present by the Constitution.

MR. VAN WINKLE moved a reference to the Committee on Business; which was agreed to.

MR. HOOTON presented three other petitions from citizens of Preston, similar to that offered by his colleague.

They were referred to the same committee as the others.

MR. FARNSWORTH offered the following resolution:

*Resolved*, That all persons claiming the right to vote at any election, shall be required before doing so, to take the oath of allegiance as adopted and prescribed by the Convention which met in Wheeling on the 11th day of June last: *Provided, however*, that all persons having once taken the oath, shall not be required to take it a second time; nor shall any person refusing to take such oath be eligible or serve on grand or petit juries.

An extended discussion upon this resolution took place.

MESSRS. CARLILE, CRANE of Randolph, and VAN WINKLE opposed its adoption.

FOUNTAIN SMITH advocated it.

MR. CARLILE moved to indefinitely postpone.

MR. WEST opposed the indefinite postponement.

MR. DORSEY said if the gentleman from Harrison would withdraw his motion, he would move that the resolution be referred to the Committee on Business.

MR. CARLILE withdrew it.

MR. DORSEY moved the reference indicated.

MR. FARNSWORTH rose for the purpose of withdrawing the resolution. He had been really somewhat opposed to the sentiment of the resolution and had offered it more in compliance with the wishes of his constituents than his own. But since there had been so much said about the merits of it he did not think it after all so very objectionable. He withdrew it.

THE PRESIDENT decided that it could not be withdrawn. A motion had been made by the gentleman from Monongalia to refer.

The question on referring to the Committee on Business was taken and decided in the affirmative.

MR. LIGHTBURN offered the following which was referred to the same committee:

*Resolved*, That the Constitution be so amended as to render all persons ineligible to hold any office of profit or trust in the Commonwealth who voted for the ordinance, and yet adhere to the doctrine of secession.

MR. MARTIN of Wetzel offered the following, which was similarly referred:

*Resolved*, That all persons having taken the oath required of the officers of the government who since have voted for the Ordinance of Secession, and all other persons having before and after voted for said Ordinance advanced secession principles, shall be disqualified for exercising the functions of any office in the Commonwealth during hostilities between the United States and the seceded States.

MR. VAN WINKLE offered the following, which was adopted:

*Resolved*, That all resolutions or motions requiring the enactment of ordinances or laws, shall not be acted upon by the Convention until the same shall have been reported upon by a committee.

He also moved that the consideration of the ordinances reported by the Committee on Business be made the order of the day for to-morrow at eleven o'clock.

The motion was agreed to.

MR. DAVIDSON observed that Mr. Smith of Upshur, who had been appointed on the Committee on a Division of State, was not present in the Convention, and moved that Mr. Farnsworth be appointed in lieu of him.

The motion was agreed to and Mr. Farnsworth appointed.

The Convention then adjourned until eleven o'clock to-morrow.

## ADJOURNED SESSION—FOURTH DAY,

FRIDAY, AUGUST 9, 1861.

The Convention met at 11 A. M.

Prayer by Rev. S. R. Brockunier, of the M. E. Church.

Minutes read and approved, with a slight amendment.

The ordinances reported by the Committee on Business, which came up as the order of the day, were taken up, and the following passed:

*An Ordinance, providing for the discharge of the duties of the Board of Public Works.*

The people of Virginia by their Delegates assembled in Convention at Wheeling do ordain as follows:

1. Until the General Assembly shall direct an election of members of the Board of Public Works, and the same shall be duly elected and qualified, the Governor and Auditor and Treasurer shall constitute the said Board, and shall exercise the authority and discharge the duties thereof. The Secretary of the Commonwealth shall discharge the duties of the Clerk of said Board.

2. This Ordinance shall take effect from its passage.

*An Ordinance, providing for the discharge of the duties of the office of Second Auditor.*

The people of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. The duties of the office of Second Auditor, as prescribed by the laws



now in force, shall, until the vacancy now existing in said office is filled by the General Assembly, be discharged by the Auditor of Public Accounts, without additional compensation.

2. This Ordinance shall take effect from its passage; and may be altered or repealed by the General Assembly.

*An Ordinance declaring null and void the proceedings of Richmond Convention of 1861.*

The people of Virginia, by their delegates assembled in Convention at Wheeling, do ordain as follows:

All Ordinances, Acts, Orders, Resolutions and other proceedings of the Convention which assembled at Richmond on the thirteenth day of February last, being without the authority of the people of Virginia constitutionally given, and in derogation of their rights, are hereby declared illegal, inoperative, null, void and without force or effect.

The following was also considered and rejected by 32 yeas to 38 nays, Mr. Carlile having called for the yeas and nays.

*An Ordinance providing for the publication in newspapers of the Ordinances of the Convention, and the Public Laws passed by the General Assembly.*

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. The Ordinances of this Convention, heretofore and hereafter passed, and the Acts of the General Assembly passed at its recent session, and all public Acts hereafter passed by that body, shall be published, once only, in two newspapers printed at the seat of Government, one of which shall be in the German language, and in one newspaper printed in each County of the State, if any there be. The said newspapers shall be designated by the Governor, and shall be paid for such publication at the rates allowed for the newspaper publication of the Laws of the United States.

2. It shall be the duty of the Secretary of this Convention and the Clerk of the House of Delegates, to furnish to the publishers of the newspapers designated by the Governor, as soon as practicable, accurate written or printed copies of the Ordinances of the Convention and Acts of the General Assembly heretofore passed, and immediately upon their passage, similar copies of such Ordinances and Acts as may be hereafter passed by those bodies respectively.

3. Proclamation and other instruments of a general nature, or relating to the Commonwealth at large, emanating from the Executive Department and Offices, and required to be published, shall be inserted in the same newspapers as many times as may be directed by the Governor, and be paid for at the usual advertising rates. The Secretary of the Commonwealth shall furnish to said newspapers accurate written or printed copies of such Proclamations and other instruments.

4. This Ordinance shall take effect from its passage and be in force until amended or repealed by the Legislature.

The consideration of these ordinances occupied nearly the whole of the session. MR. VAN WINKLE, who reported them from the Committee on Business, explained and advocated all of them.

The principal discussion occurred upon the rejected ordinance, providing for the publication of the public laws and ordinances.

It was advocated by Messrs. Van Winkle, Frost and Boreman of Tyler, and opposed by Messrs. Nicholls; Crane of Randolph, and Carlile, each of whom spoke upon it.

MR. KRAMER offered the following as a substitute:

The people of Virginia, by their delegates assembled in Convention at Wheeling do ordain as follows:

That 20,000 copies of the Ordinances of this Convention, and Public Laws passed by the General Assembly, be published and distributed among the members of the Convention for publication.

MR. CRANE moved to substitute 10,000 copies.

Lost.

The substitute was rejected.

So the Convention refused to take action looking to the publication of the public laws.

MR. BROWN, from the Committee on Credentials again reported adversely on the claims of Jonathan Roberts, of Alexandria, to a seat in the Convention.

The credentials were laid upon the table.

MR. DORSEY moved an adjournment, but withdrew the motion to allow

MR. BURLEY to offer the following resolution:

*Resolved.* That when the Convention adjourn tomorrow it will adjourn *sine die*.

MR. BURLEY remarked that he offered the resolution in good faith. He did not think it necessary for the Convention to remain here any longer. He had discovered that they were not getting along as well as they might, and he thought this would afford plenty of time, if they would be more industrious to do all the work there was to do. "I have been in the committee this morning. I find there is nothing before it except this Division question. There is a sub-committee to draft a bill and I think they should be able to prepare that at a very early hour in the morning, and the Convention has nothing before them but to act upon it."

MR. WEST—"I rise for a two-fold purpose, and whether I can accomplish both or either one, I do not know. My object is to give the resolution of my respected friend from Marshall—Old Jimmy—I am old Jimmy, too,"—(laughter).

THE PRESIDENT—Gentlemen will forbear calling one another by name.

MR. WEST—"We know each other; we do that by way of compliment to each other. (Laughter.) However, I have had a good deal of this sort of experience, and I find that a motion of this kind has



never failed to clog the wheels of the progress of legislation. As certain as the sun rose this morning and will rise tomorrow morning if that resolution is not disposed of today, it has to be disposed of at some other time; and whenever it is, it must embarrass our action; and I know the gentleman from Marshall does not intend to clog and impede the progress of this House. But I do know one more thing, that there will be an effort to adjourn this Convention before this question of Division is decided upon; and I do know, Sir, as well as I know that, that if such is the fact, and we so adjourn, we go home to an insulted constituency. We go home to a constituency that has just cause to be insulted. Did they send us here to play and trifle with them? Did they send us here, Sir, to act as a mockery upon their expressed desires?"

MR. VAN WINKLE—"Will the gentleman give way for a moment?"

MR. WEST—"Yes, Sir."

MR. VAN WINKLE—"Mr. President, I move to adjourn."

MR. WEST—"Not for an adjournment,—(Laughter). I cannot give way for an adjournment."

THE PRESIDENT said the motion was not in order, the gentleman was making a speech.

MR. VAN WINKLE—"He gave way, Sir."

THE PRESIDENT—"He was interrupted."

MR. WEST—"I know my good friend from Wood does not intend to deprive me of the privilege of speaking, because I believe, if I am not mistaken, he is a new State man himself. The gentleman from Wood knows that there is something more in that than just black and white. I think that every thinking man who is a new State man, knows that there is something more in that than merely a piece of paper writing—"

MR. BURLEY—"I do not wish the gentleman to labor under a mistake too long at a time without correcting it. I assure you, Sir, if there is any honor in man, I had no such object in view in offering the resolution as he attributed to me. I do so, believing that we have plenty of time to consider and act on the question the gentleman desires, and do it right if gentlemen will only go to work and improve the time. I insisted on a meeting of the committee yesterday, but it was very warm, and gentlemen thought it would be too much labor, and there we were all the afternoon lounging about doing nothing. I do not know for my part when this Convention is going to adjourn if we are allowed to go on in this

kind of style. I do not wish to choke off any gentleman, or choke off any measure here. I want everything done fairly and honestly. If this question is entitled to more consideration let it be granted; but I am one of the last that wants to remain here doing nothing and taxing the community with it."

MR. WEST—"I move a recess until three o'clock."

MR. VAN WINKLE—"I move as an amendment, to adjourn."

The motion was put and the Convention adjourned.

## ADJOURNED SESSION—FIFTH DAY,

SATURDAY, AUGUST 10, 1861.

The Convention assembled at the regular hour.

Prayer by Rev. John M. Phelps, of the M. E. Church.

MR. VAN WINKLE inquired if the resolution of the gentleman from Marshall, pending when the Convention adjourned yesterday, was the business in order.

THE PRESIDENT stated that the resolution had been withdrawn.

MR. VAN WINKLE then desired to report some ordinances from the Committee on Business.

MR. WEST said the Committee on a Division of the State was prepared to report. He wished the report to be received and read, so that if there should be any substitutes offered they could be offered at once, and all be printed and come up for consideration at the same time.

THE PRESIDENT said there was a question of privilege for the Convention to decide upon. A gentleman was here claiming a seat, and it was proper that the case should be decided upon before any important vote came up. The Committee, on Credentials had reported adversely on his claims and the report laid on the table. This matter took precedence.

THE SECRETARY read the report of the Committee on Credentials reporting adversely upon the claims of Jonathan Roberts, of Fairfax county, to a seat in the Convention.

MR. HAWXHURST moved that the report of the Committee be disagreed to.

MR. HOOTON, on that question, demanded the yeas and nays and the demand was sustained.

Quite a lengthy discussion ensued upon the claims of Mr. Roberts to a seat, and the whole subject was thoroughly ventilated.



At length Mr. STUART demanded the previous question, which was taken by yeas and nays, and resulted—yeas 33, nays 39.

So the motion to disagree with the adverse report of the Committee was not agreed to.

Mr. FROST moved to lay the report upon the table.

The motion was lost.

The question on concurring in the report recurring, it was put and decided in the affirmative.

So the Convention refused to admit Mr. Roberts to a seat.

Mr. LAMB offered the following resolution:

*Resolved*, That the Secretary procure, if practicable, a file of the papers and proceedings of this Convention, the papers and proceedings of the Convention which assembled in the city of Wheeling on the 13th of May last, together with the papers and proceedings of the Central and other Committees thereby appointed.

Mr. CATHER offered the following:

WHEREAS, a portion of the people of the Southern States, in violation of their constitutional obligations, have attempted a dissolution of this Union and have thus precipitated the country into civil war; therefore,

*Resolved*, That the action of Congress, in voting men and money to suppress the rebellion and preserve the Union, receives the hearty approval of this Convention.

Mr. JOHNSON offered the following:

*Resolved*, That the Committee on Business inquire into the expediency of reporting an ordinance providing for the repair of State arms.

Mr. FROST offered the following:

*Resolved*, That the Committee on Business inquire whether any additional legislation is required to give efficiency to an act passed at the late session of the General Assembly, entitled "An Act to prevent offences against the Commonwealth, and provide for the organization of patrols during the war," and that they report by ordinance or otherwise.

Mr. POLSLEY offered the following:

*Resolved*, That the Committee on Business be instructed to prepare and report an ordinance for the immediate and thorough re-organization of the militia, and for the more frequent and regular training of the same.

Mr. FARNSWORTH offered the following:

*Resolved*, That the Committee on Business be instructed to inquire into the expediency of appointing collectors on the Clarksburg, Buckhannon and French Creek Turnpike, and the Staunton and Parkersburg Turnpike, and the receiving of the tolls already collected; and making some provision for the repairing of the said roads, which are becoming in bad repair by the increased use of the roads by the U. S. troops.

All of which were adopted.

Mr. FAST offered the following:

*Resolved*, That the Committee on Business inquire into the expediency of changing the name of the county of Wise to that of Douglas, or some other name more honorable than that of Wise. (Laughter.)

FOUNTAIN SMITH moved to lay it upon the table.

The motion was rejected, and the resolution adopted.

Mr. RITCHIE offered the following:

1. *Resolved*, That we are unalterably opposed to any compromise with the rebels, short of laying down their arms and returning to their allegiance to the United States Government; and that we will hold all who aid and abet any such compromise, as enemies not only to the government of our fathers, but as enemies to human liberty throughout the world.

2. *Resolved*, That we will aid the Administration at Washington in suppressing the rebellion with all our powers, both morally and physically, and studiously guard against all acts and doing that would militate in the least degree against the Union cause or embarrass the Administration in putting down the rebellion.

Laid upon the table and ordered to be printed.

Mr. CRANE moved the reading of the report of the Committee on a Division of the State.

The report, being an ordinance providing for a division of the State and the erection of a new State, was read.

After a good deal of parley, the rule was suspended to allow a number of substitutes for the ordinance to be offered.

The following gentlemen offered substitutes: Messrs. Dorsey, Kramer, Burley, Farnsworth, Zinn, Brown, Martin of Wetzel, and Flesher.

The ordinance and all the substitutes, together with a minority report offered by Mr. Johnson, were ordered to be printed, and upon motion of Mr. Paxton, were made the special order for Tuesday at 10 o'clock, and to continue the order each day until disposed of.

Mr. VAN WINKLE, from the Committee on Business, reported ordinances with the following titles, which were laid on the table and ordered to be printed:

An Ordinance in regard to the collection of the public revenue.

An Ordinance ascertaining and declaring in what cases offices are vacated under the Declaration of June, 1861.

An Ordinance providing for the punishment of certain offences.

The Convention then adjourned to Monday.

## ADJOURNED SESSION—SIXTH DAY,

MONDAY, AUGUST 12, 1861.

The Convention met at the regular hour, and was opened with prayer by Rev. Gideon Martin, of the M. E. Church.

Minutes read and approved.

Mr. LAMB, from the Committee on Credentials, reported that George C. Bowyer, a member of the House of Delegates from Putnam county, was entitled as such to a seat in the Convention.



MR. POLSLEY called attention to the fact that the delegates from that county were also present, and moved that they be qualified and take their seats.

The three gentlemen then came forward and the oath was administered to them by the President.

MR. VAN WINKLE, from the Committee on Business, reported on the following resolutions of inquiry, referred to that Committee, that they deemed it inexpedient to legislate upon them at this time:

The resolution offered by Mr. Farnsworth, relative to appointing collectors of toll on the Clarksburg, Buckhannon and French Creek Turnpike and the Staunton and Parkersburg Turnpike and the repairing of the same.

The resolution offered by Mr. Johnson, relative to repairing State arms.

That offered by Mr. West relative to so changing the constitution as to allow counties to be organized with a less area than now allowed.

That offered by Mr. Fleming relative to the confiscation of the real and personal estate of parties engaged in the rebellion.

THE CHAIRMAN said it was not deemed expedient at this time to act upon this resolution because the act of the United States was not before the Committee, not but that something might hereafter be necessary to be done on this subject.

That offered as to allow counties to be organized with a less area than now allowed.

That offered by Mr. Fast relative to changing the name of Wise County.

The reports on Mr. Farnsworth's, Mr. Johnson's, Mr. Fleming's, and Mr. Fast's resolutions were concurred in.

That on Mr. West's was laid upon the table.

The ordinances reported from the Committee on Business coming up for consideration, the ordinance in relation to the collection of public revenue was, after considerable discussion, passed as follows:

*An Ordinance in relation to the Collection of the Public Revenue.*

The People of Virginia, by their Delegates assembled in Convention, at Wheeling, do ordain as follows:

1. There shall be allowed to every Sheriff and Collector, for collecting the revenue levied in the year 1861, in addition to that now allowed by law, a commission of two and one-half per centum on the amount of taxes with which he is chargeable, and if the Sheriff or Collector of any county

or Corporation, where the amount of taxes with which he is chargeable does not exceed the sum of ten thousand dollars, shall pay the same, or any part thereof, into the Treasury within the time now required by law, he shall be allowed a further additional commission of two and one-half per centum on the amount so paid.

2. This Ordinance shall be in force from its passage and may be altered or repealed by the General Assembly.

The second ordinance under consideration being "An ordinance ascertaining and declaring in what cases offices are vacated under the act of June 17, 1861," was taken up and subjected to a very lengthy and critical discussion.

It was finally recommitted to the Committee on Business, and the Convention took a recess till three o'clock.

#### AFTERNOON SESSION.

The Convention re-assembled at three P. M.

The following ordinance was taken up and after considerable discussion, was passed:

#### *An Ordinance to Provide for the Punishment of Certain Offences, and for Other Purposes.*

The people of Virginia, by their delegates assembled in Convention, at Wheeling, do ordain as follows:

1. Every former-incumbent of an office which has been, or shall be declared vacant by any Declaration or Ordinance of this Convention, or any Act of the General Assembly, who shall exercise, or attempt to exercise, the functions of such office, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, and imprisonment in the County Jail not exceeding one year.

2. The office of any person who has heretofore taken and subscribed, or shall hereafter take and subscribe, the oath or affirmation, prescribed by the Ordinance of this Convention; entitled "An Ordinance for the Re-organization of the State Government," and who after taking and subscribing such oath or affirmation, shall by any overt act, or by publicly writing or speaking, support and uphold, or attempt to support and uphold the usurped government at Richmond, or the pretended government of the so-called Confederate States, is hereby declared vacant, and the Governor, if satisfactory evidence be produced thereof, upon due notice of the charge to the party to be effected thereby, shall proceed to fill such vacancy, or cause the same to be filled in the mode prescribed by the fifth section of the above cited Ordinance. But nothing herein contained shall prevent the indictment and punishment of such persons for the crime of perjury.

3. This Ordinance shall be in force from its passage, and may be altered or repealed by the General Assembly.

MR. CRANE offered the following resolution which was adopted:

*Resolved*, That the Committee on Business inquire into the expediency of providing, by ordinance, for the punishment of all citizens of this Commonwealth who are known to be in, or who shall hereafter enter the Confederate army either as citizens or soldiers and all persons who shall hereafter give money, property or counsel to the Confederate army.



MR. VAN WINKLE offered the following, which was adopted:

*Resolved*, That all the Ordinances reported by the Committee on Business at the present session, or which have been or may hereafter be passed by the Convention, shall be recommitted to the said committee for revision before being reported.

The Convention then adjourned.

## ADJOURNED SESSION—SEVENTH DAY,

TUESDAY, AUGUST 13, 1861.

The Convention met at 10 A. M.

Prayer by Rev Wesley Smith.

Minutes read and approved.

THE PRESIDENT presented a communication from Lot Bowen of Harrison, resigning his seat in the Convention, in consequence of his relations with the United States Army preventing his attendance.

MR. VAN WINKLE moved to lay the communication on the table. Agreed to.

The order of the day, it being the ordinance reported by the Committee on the Division of State, and the substitute for the same, was taken up.

MR. FROST moved to pass by the order of the day for the present, to enable some unfinished business to be considered.

MR. WEST hoped the gentleman would not insist on the motion. He thought all other considerations subordinate to the question now before them.

MR. FARNSWORTH asked the member from Jackson to withdraw his motion for the present, to allow him to withdraw his proposition now before the Convention, and offer another as a compromise substitute for the whole matter before the Convention.

MR. FROST withdrew the motion.

MR. FARNSWORTH asked leave to withdraw his proposition, which was granted.

He then offered the substitute, which was read by the Clerk, and ordered to be printed, not as a substitute for the whole, but simply in place of the one withdrawn, as a substitute for the report of the Committee.

The order of the day again recurring,

MR. FROST renewed his motion to pass by for the present. He said there were some gentlemen who had not expected the discussion

to come up till to-morrow, now absent, and he desired to afford them an opportunity to be present when it came up.

MR. CRANE opposed passing by. The Convention were here on expense, and the gentlemen could get here before a vote would be taken.

The subject was one of great importance, and one upon which patriots and statesmen ought not to be divided. If now was not the time to consider it, would some gentleman tell him when would be the time? He believed the only questions that would divide them were the questions of boundary and of time, and he thought they might as well consider them to-day as any other time.

MR. STUART opposed passing by this morning. He wanted to act on the propositions at once, as they had already elicited one argument and soon would elicit others, to relieve gentlemen of their arguments as fast as possible, as he understood there were a great many who desired to be relieved. If the discussion was to take place the sooner the better.

MR. WEST would prefer to proceed at once. He did not intend now to enter into the subject. He was sure if he did, the gentleman from Doddridge would take advantage of the opportunity offered him to make another speech. He would only say that it was a very important and interesting matter—the only subject, indeed, before the Convention that particularly interested the people. He was not particular whether it was passed by for one day or not, as there was other business that could very well occupy one day, and that would come up tomorrow. His own preference was, however, to proceed.

MR. SNIDER demanded the yeas and nays on the question of passing by the consideration of the order of the day, and being taken they resulted, yeas 8, nays 62.

So the Convention refused to pass by.

The question then recurred on adopting the report of the Committee on a Division of the State.

MR. WEST presented as that report the following ordinance, which was read by the Clerk:

*An Ordinance for the Division of the State.*

WHEREAS, It is represented to the delegates assembled in Convention at Wheeling, on the 6th day of August, 1861, that the people of a portion of Virginia are desirous of claiming a new State out of that portion of Virginia lying North and West of the Allegheny Mountains, and whereas, in the opinion of this Convention, the social, commercial and political condition of said people would be greatly benefited and their happiness promoted by such a division.



*Be it therefore ordained by this Convention,* That the people of Virginia living North and West of a line beginning on the top of Clinch Mountain, on the line dividing Tennessee and Virginia; and running thence with the top of said mountain, so as to include all that part of the county of Scott lying North and West of said mountain; thence with the top of said mountain, including Russell county; thence with the top of said mountain to the county line of Giles county; thence with the county line of Giles and Tazewell to the county line of Mercer county; thence with the top of Wolf Creek Mountain to the top of Salt Pond Mountain; thence to the top of Potter's Middle Mountain; thence with the top of Rich Mountain to Alum Rock; thence to the top of Mill Mountain; thence with the top of said mountain to Augusta county line; thence with the dividing line between Augusta and Bath counties to the top of Shenandoah Mountain, and with the top of said mountain to the Hardy county line; thence with the county line between Hardy and Rockingham counties to the Shenandoah county line; thence with the county line between Hardy and Shenandoah to Hampshire county; thence with the county line dividing Frederick and Shenandoah to Warren county; thence with the county line dividing Warren and Clark counties to Fauquier county; thence with the county line dividing Fauquier and Clark counties to Loudon county; thence with the county line dividing Loudon and Fauquier counties to Fairfax county; thence with the county line dividing Fairfax and Prince William counties to the Potomac River; be authorized and directed, on the fourth Monday in November next, to open a poll at each election precinct embraced in such boundary, to ascertain the will and wish of the people upon the question of such division. The County Courts of each county, embraced in said boundary, shall appoint Commissioners and Conductors of Elections, and the duties of such Commissioners and Conductors, shall be the same as now prescribed by law in other Elections. On the said fourth Monday in November, there shall be a poll opened by the Commissioners and Conductors so appointed, at every precinct in each County embraced within the said boundaries. On each poll book there shall be two columns; one headed "Division," and the other "No Division." Those voting in favor of a division, shall be recorded in the column under the head of "Division," those voting against a division, shall be recorded in the column under the head of "No Division." It shall be the duty of said Commissioners, to have all who are legally authorized under the constitution and laws of Virginia, within said boundary, and who may offer to vote, properly recorded on said poll book, and it shall be the duty of said Commissioners of each county within five days after said election, to certify to the correctness of said poll books, and file one copy of said books, in the Clerk's Office of the County Court of each county, and one copy certified as aforesaid, shall, by said Commissioners, be forwarded to the Governor of Virginia, at Wheeling, whose duty it shall be to count the vote upon said question, and make an immediate proclamation of the result of said vote.

2. *Be it further ordained,* That, in case it is found that a majority of the votes cast in said boundary, be in favor of the division as proposed, that then, the present Constitution of Virginia, as modified and changed by the ordinances of this Convention, shall be adopted as the Constitution of the proposed State, which shall be called the State of New Virginia.

3. *Be it further ordained,* That the State Legislature of Virginia, be requested to give their consent to the formation of such new State as prescribed and laid down in said boundaries, and submit the same to the Congress of the United States for their ratification.

Messrs. Brown, Kramer, Flesher and Zinn asked and obtained leave to withdraw their substitute for the report of the Committee.

MR. EVANS, on behalf of Mr. Dorsey, also withdrew the substitute offered by that gentleman.

MR. WEST, as chairman of the Committee on a Division of the State, proceeded to address the Convention in advocacy of the report of that Committee.

He did not propose to make a lengthy speech at this time; perhaps he should have occasion to participate somewhat in the discussion that might ensue upon this question hereafter. It had been said, and very properly, that there were but two questions of real difficulty in the consideration of this subject, and they were the questions of time and boundary, for which he believed there were none or at least very few on the floor opposed to a division at all. If such were, he accorded to them honesty of motive, but he did not know what could be the ground of their objection to the formation of a new State.

First, then, in relation to time: He believed that now was the time. He would set out on that ground. He had occupied that ground and he expected to continue to do so. He had never yet had a good reason from any one why they should not proceed at once. This was the accepted time if they ever expected to complete what they had begun. He observed that all the opponents of action had different reasons for their opposition, and although they might be honest, yet they had no common justifiable reason for not proceeding at once. For himself, from the very beginning of this controversy in the Legislature and the former Convention, he had not swerved from his purpose of obtaining preliminary action for a division of the State. Every step he had proposed was a progressive step, as gentlemen here could testify. He had offered a proposition in the Legislature which he still believed was the best that could have been adopted, but when it was defeated, he voted willingly for the next best. He had believed, and did yet, that it was important, though not essential, to have had some expression at least from the Legislature. They had no such expression, however, and a majority of the Convention had decided, he believed, that they could proceed without it, and such being the case, he was with them, and would be the last man to back from the position he had taken.

And what objection could be offered to doing so? He asked gentlemen to say, why they should not take action just now on this most important matter. It was true there might be some of the counties in the proposed boundary that might vote against imme-



ciate action or against any action at all, but if they would postpone till doomsday, and then propose to act, some one would object. There was one plan of action that was always safe, and that was, never to put off what can be done now.

But it was argued that it would leave Eastern Virginia without a government; even if it did they would only be in the same situation they left us in, and they could do as we did—go to work and make one. But they say they have a government and we have no government; they boast of their government, and if you would go to Richmond and say they have no government your neck would pay the penalty. Let them take care of themselves as we have done. We could not sympathize with those who wanted to cut his throat if they had an opportunity, and they did not ask any of this sympathy which some gentlemen were disposed to bestow upon them. They despised us and our government.

He used to be opposed to a division of the State, and always had, up to the time this great emergency had been forced upon our people. But now the time had come to look out for our own interests, and disregard the interests of those who wage a war against us.

But it was objected that we were thrusting ourselves upon the General Government. He would be the last to do this after all the government had done for us in Western Virginia, but they were not forcing themselves upon the government, and it was not so regarded anywhere except by the gentlemen who raised the objection. If it could be proved he would abandon the project, but not until it was done. But he had the best authority for saying that this was not the case—but that Congress would admit the new State, was ready, willing and waiting to do so whenever application was made. He had talked with the Hon. William G. Brown, on his return from Washington a few days ago, and Mr. Brown had told him the quicker the better; that the proposition for admission would not have lasted two days while he was there; that a recognition would have been given at once. They all knew what Mr. Carlile says, that he corroborates the testimony of Mr. Brown. They were the best authority, and so much for this objection. There was nothing in the way in that direction. He had never been willing to admit for a moment that there was any danger of a reverse as had been intimated upon this floor; but he would have them act, now that they had the power, lest by some possibility they should lose

it. It might be a little selfish, but he was willing to be that selfish—their welfare and the welfare of the people demanded it.

As for boundary, he was not a stickler for any particular scheme. He preferred that reported by the Committee, because it includes a neck of country lying down next to the Tennessee line, which was left out by other propositions, and which naturally belonged to us and should be included, notwithstanding the people might not now be quite so loyal as they should be. The ordinance also proposed after running the main line on the top of the mountain, which the Almighty had reared as a natural boundary, to take in the counties contiguous to the Capital of the Country—and especially he liked it because it would take in the grave of Washington. He spoke of the advantages that would be apparent in running the line so as to make the loyal State take in the territory opposite and adjoining Washington, and said that proposition would cause our admission to be looked upon there with more favor than it would otherwise be.

He would like to know now why it was that gentlemen here disregard the plain wishes of their constituents. If they had instructions from them to oppose action he would like to see them. He had seen nothing of the kind, but he had seen letter after letter to members urging them to take some action.

But suppose they should make their application now to Congress, and Congress should lay it aside for a time, how much worse off would they be than before. There would be the same proposition upon which they would act whenever, in their opinion, the proper time should arrive, and they would have the matter always before them until disposed of.

The people were now anxiously awaiting the action of this body, and if the word were to go out that they had refused to take any preliminary steps towards a separation, they would hang their harps upon the willows, and their lips would be mute and voiceless on the question in which they had taken so much interest.

After Mr. West concluded,

On motion, the Convention took a recess till two o'clock P. M.

#### AFTERNOON SESSION.

Convention re-assembled at two P. M.

MR. BARNES, of Marion, obtained the floor, and proceeded to speak of the impropriety at this time to the division of the State.



There had been no uprising of the people in favor of it in many portions of the State proposed to be included in the bounds of the new State. They had not met in mass meetings and demanded that this Convention should take precipitate action. It was true it was the desire of the people of his own county to have a separation; for himself personally he was anxious for it. But there were difficulties in the way. In the first Convention which met here in May, many were in favor of immediate action. Prudent counsels prevailed, however, and the obstacles in the way rendered it necessary to call another Convention. This met in June, and some of the members were in favor of at once proceeding to a division. But it was thought best to pursue the course they deemed in accordance with the Constitution. Besides the Convention thought it best not to endanger the existence of our very nationality itself by action that would be calculated to produce discord as this would have done.

He said there were difficulties now. According to the spirit of the Constitution not only the people in that portion of the State out of which the new State is to be formed, should give their assent, but also the other portion, which it might be supposed would oppose it—that the consent of the whole State should be given so far as a representation of the people of the whole State can be obtained. This they knew could not be obtained now. Action here could only be preparatory at best. After the Convention had adopted measures, the assent of the Legislature must first be had, and afterwards that of Congress. Would Congress admit a state formed on a mere technicality? Would not they require that the people of the whole State should be consulted? He thought unless they could have the consent of all the loyal people of the State it would prejudice our admission by Congress. It would be regarded on a principle similar to that on which the secessionists have acted, and that we had not exhausted all the peaceful and legal means of obtaining a separation. It was better not to make the trial now and fail and be distracted by the failure, but to wait until the fruit should be ripe and ready to fall into our hands. There were loyal people in Southern and Eastern Virginia looking to them and praying to be released from their present thralldom. In the midst of the great struggle that was now going on for the maintenance of the Constitution amongst us we are asked to raise an exciting and grave question, such as that of dividing the State. The time had not come for the agitation of that question. He had no objection

to an expression on the subject by the Convention, but he was not willing that the matter should be thrown upon the people to agitate and distract them at this time.

MR. MARTIN, of Wetzel, said the gentleman had said that now was not the time for a separation. Before the ordinance of secession was voted upon there was a call for the people of Northwestern Virginia. The first call was from Harrison county. Other counties responded, and a convention met in Wheeling in May last. In that Convention it was fairly understood that the object was a division of the State. They concluded it could not then be done constitutionally, but when we could have a legislature recognized as such we would then be prepared to go into a division. Such was the understanding all over Western Virginia. The Government of the United States has acknowledged this Convention as a law-making power because this Convention called the Legislature, which has been recognized in the person of the Senators it elected. While the Government recognizes this as the whole Government of the State, it will also acknowledge us when it comes to a division of the State. But there were representatives here from Eastern Virginia. If a division could not now be had constitutionally, when could it be had?

MR. BARNES said, when the secessionists are driven out of the State.

MR. MARTIN said the secessionists were in rebellion against the United States, hence they had declared themselves aliens, and not citizens of Virginia or the United States. Secession was unconstitutional, and every citizen that upheld secession had thrown off his allegiance, and we had nothing to do with them, as it regards our rights and interests in Western Virginia.

We were at one time without a government. We met here to establish one through this Convention sent here by the people of Northwestern Virginia, and we are here at their will and bidding, and we have a right to carry out the views we advocated before them. He declared before ever that Convention was held at Richmond for a division of the State, and he was elected here with the knowledge of his people that he was so in favor of a division. Therefore, he would go for a division, not only because of more recent wrongs, but because he had long been convinced that our interests required it. Our money had been used to make improvements east of the Alleghenies. We have no connection with Eastern Virginia; the God of nature had made a line between us, and



their interest and our's were antagonistic, and this was one reason for wanting a separation; and while they were setting up a government in opposition to the United States, he claimed the right to set up an independent government separate from them. The people expected nothing less of this Convention than a division of the State, and if a foundation was not here laid for an immediate separation the people would be disappointed, and never would call another Convention for a division. The people of Wetzel had instructed her members to go for an immediate separation. But what he meant was that this Convention should go on with its work, and when the Legislature meets next December, to ask for its assent, and when this shall be granted, then to apply to Congress for its assent. This would be the constitutional way.

It was said this movement would embarrass the government and our friends in Eastern Virginia. Nothing short of the power of the United States could ever crush out secession in Eastern Virginia. How, then, could it embarrass the government? or how disenable us to aid the government in this work? The argument had no weight in it.

After we get the assent of the Legislature, if we deem it impolitic to apply to Congress at once for an admission, we can do it at any time it might be deemed best.

MR. POLSLEY proposed to amend the ordinance by inserting in the first line of the second section, after the second "that," the words "a free and fair election has been held in three-fourths of the election precincts of the boundary."

A parley arose as to the regularity of the proceeding and the amendment was lost sight of.

MR. CRANE moved to go into Committee of the Whole on a Division of the State, but subsequently withdrew the motion and moved an adjournment, which motion was lost.

MR. BOREMAN, of Tyler, offered a proposition which was ordered to be printed for the information of the Convention.

MR. MARTIN, of Wetzel, withdrew his amendment to the report of the committee.

The withdrawal of this left only the substitute of Mr. Burley and the minority report of Mr. Johnson.

The question was announced on the adoption of Mr. Burley's substitute for the original ordinance.

MR. VAN WINKLE moved to strike out in the substitute the name,

“New Virginia,” proposed for the new State, and substitute “Allegheny.”

The motion was agreed to.

MR. FARNSWORTH then presented the proposition offered by himself in the morning session and ordered to be printed, as a substitute for the substitute of Mr. Burley, and with the consideration of this pending, the Convention adjourned.

## ADJOURNED SESSION—EIGHTH DAY.

WEDNESDAY, AUGUST 14, 1861.

The Convention met at the regular hour, and was opened with prayer by Rev. J. L. Clark, of the M. E. Church.

The minutes were read and adopted.

MR. VAN WINKLE moved that the resignation of Lot Bowen, of Harrison, which was yesterday laid upon the table, be now taken up and accepted.

The motion was agreed to.

MR. BROWN, from the Committee on Credentials, then reported upon the credentials of Charles S. Lewis, of Harrison, elected to fill the vacancy occasioned by Mr. Bowen's resignation, that Mr. Lewis was entitled to a seat in the Convention.

The report was adopted.

MR. LEWIS went forward and the oath of office was administered to him.

MR. VAN WINKLE reported, from the Committee on Business, an ordinance in relation to Juries, which was laid upon the table and ordered to be printed.

He also, from the same committee, reported back the ordinance recommitted to them, declaring in what cases offices are vacated, with an adverse recommendation on the amendment offered by the gentleman from Ohio.

He also reported adversely on the resolution offered by a member from Marion, inquiring into the expediency of amending or repealing the ordinance of the Convention creating the Governor's Council.

The report was adopted.

The order of the day coming up,

MR. BURLEY asked and obtained leave to withdraw his substitute for the report of the Committee.



The question was announced to be on the following substitute offered by Mr. Farnsworth:

SUBSTITUTE OF MR. FARNSWORTH FOR THE REPORT OF THE COMMITTEE ON A  
DIVISION OF THE STATE.

WHEREAS, In the opinion of the good people of Western Virginia, the long-continued inequality of taxation and representation, as well as the diversity of interests between Eastern and Western Virginia render a separation or division of the State necessary; and

WHEREAS, The people of the Eastern part of the State have endeavored to throw off their allegiance to the Federal Government and place the State in an attitude of rebellion against it, contrary to the wishes and without the consent of the people of Northwestern Virginia. and

WHEREAS, All the material interests of this section of the State are closely identified with the Union and its preservation, and can only be secured and protected by severing the unnatural ties that bind us to our Eastern brethren, now in rebellion; therefore,

*Be it ordained by the people of Virginia,* Through their delegates in Convention assembled, that a new State, to be called the State of ———, be organized and erected out of the counties comprised in the boundaries following, viz: Beginning on the Tug Fork of Big Sandy River, on the Kentucky line, where the counties of Buchanan and Logan join the same, and from thence running with the dividing line of said counties, and the dividing line of the counties of Wyoming and McDowell to the great Flat Top Mountains, and with the dividing lines of the counties of Raleigh and Mercer, Fayette, Nicholas and Greenbrier, Webster and Pocahontas, Randolph, Pocahontas, Pendleton and Highland, to the Shenandoah Mountains, and with said Mountains, following the dividing lines between the counties of Pendleton and Rockingham, Hardy and Shenandoah, Hampshire and Frederick, Morgan and Frederick, Berkeley and Frederick, Jefferson and Clark, and Jefferson and Loudon to the Maryland line, and such other counties as lie contiguous to and adjoin the counties embraced in the boundaries aforesaid, as shall by a vote of the qualified voters residing within the same declare a desire to be attached to and form a part of said State, and the Legislature may so change the boundary lines, as herein set forth, as to include said counties, provided the vote be taken on the same day as hereinafter fixed for taking the sense of the voters within the counties embraced in the boundaries first herein mentioned.

2. That the present Constitution of Virginia, with such alterations as the exigencies of the times demand, be submitted to the people for their ratification or rejection at the polls on the first Thursday in November next.

3. The voters within the boundaries aforesaid, and within the counties that lie contiguous thereto, shall assemble at their respective places of holding elections on the said first Thursday of November next, and cast their votes for or against the formation of a new State, as well as for or against the adoption of the Constitution framed and proposed to them by this Convention. It shall be the duty of the commissioners who superintended, and the officers who conducted the election at the general election in May last, to attend their respective places of holding elections and superintend and conduct the election herein provided for. And if said commissioners and officers shall fail to attend at any such place of holding elections, it shall be lawful for any two freeholders present to act as commissioners in superintending said election, and to appoint officers to conduct said election. It shall be the duty of such persons superintending and conducting said election to

employ clerks to record the votes and furnish poll-books for the purpose, and to endorse on the respective poll books the expenses of the same.

If on the day herein provided for holding said election there shall be in any of the said counties any military force of any hostile assemblage of persons, so as to interfere with the free and full expression of the will of the voters, they may assemble at any other place within their precinct and hold an election as herein provided for.

There shall be two poll-books. One of said poll-books shall contain two columns—one column shall be headed “for a new State,” the other “against a new State,” and the other poll book shall in like manner contain two columns—one headed “for the Constitution,” the other “against the Constitution.” And the names of all persons now entitled to vote in any of the said counties, and who shall offer to vote, shall be recorded in the one or the other of the columns aforesaid, according as such persons may vote. And it shall be the duty of such commissioners superintending and officers conducting said election, and the clerks employed to record the votes, each before entering upon the duties of his respective office to take, in addition to the oath now required by the general election law, the oath prescribed by the Convention which assembled in the city of Wheeling on the 11th of June, 1861. It shall be the duty of the officers and commissioners aforesaid, as soon as may be, and not exceeding three days after said election, to aggregate each of the columns of said poll-books and ascertain the number of votes recorded in each, and make a return thereof to the Secretary of the Commonwealth in the city of Wheeling, which return shall be in the following form or to the following effect:

We, \_\_\_\_\_, Commissioners, and \_\_\_\_\_ conducting officers, do certify that we caused an election to be held at \_\_\_\_\_ in the county of \_\_\_\_\_ at which we permitted all persons to vote that were entitled under existing laws to vote, and that offered to vote, and that we have carefully added up each column of our poll-books and find the following result: “For a new State” \_\_\_\_\_ votes; “Against a new State” \_\_\_\_\_ votes. “For the Constitution” \_\_\_\_\_ votes; “Against the Constitution” \_\_\_\_\_ votes. All of which we certify to the Secretary of the Commonwealth. Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 1861.

(SEAL)

(SEAL)

(SEAL)

Under which certificate there shall be added the following affidavit:

County, to-wit:

I, \_\_\_\_\_, a Justice of the Peace, (or any officer now authorized by law to administer oaths,) in and for said County, do certify that the above named commissioners and conducting officers severally made oath before me that the certificate by them above signed is true.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1861.

J. P.

The original poll-books shall be carefully kept by the conducting officers for ninety days after the day of election, and upon demand of the Executive shall be delivered to such person as he may authorize to demand and receive them.

It shall be the duty of the Executive to lay before the General Assembly, at its next meeting, the result of said vote, and if it shall be found that a majority of the votes cast shall be in favor of a new State and also in favor of the Constitution framed and proposed to said voters for their adoption, it shall be the duty of the General Assembly to give its



consent to the formation of a new State out of the territory aforesaid, with the following conditions:

1. That the people of the proposed new State shall take upon them a just proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, and receive an equitable distribution of the assets.

2. That all private rights and interests in lands within the proposed new State, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed new State, and shall be determined by the laws now existing in the State of Virginia.

3. That the lands within the proposed State of non-resident proprietors, shall not in any case be taxed higher than the lands of residents therein.

4. That no grants of lands nor land warrants issued by the proposed new State shall interfere with any warrant heretofore issued from the land office of Virginia, which shall be located on lands within the said proposed new State, now liable thereto.

5. That in case any complaint or dispute at any time arise between the Commonwealth of Virginia and the proposed new State, after it shall become an independent State, concerning the meaning or execution of the foregoing conditions, the same shall be determined by six commissioners, of whom two shall be chosen by each of the parties, and the remainder by the commissioners so first appointed.

And when the General Assembly shall give its consent to the formation of such new State, it shall forward to the Congress of the United States such consent, together with an official copy of such Constitution, with the request that such new State may be admitted into the Union of States.

MR. BOREMAN, of Tyler, offered the following as a substitute for the substitute:

THE SUBSTITUTE OF MR. WILLIAM J. BOREMAN, OF TYLER COUNTY.

WHEREAS, It has been represented to this Convention that a large number of the citizens of this Commonwealth, residing in the Western and Northern part of the State, desire a division of the State, and that the Western and Northern part be formed into a separate State; and the unsettled condition of the country renders it impossible at this time to ascertain the wish of the people within any boundaries likely to be erected into a new State, and we deem it inexpedient, unfair and anti-Republican to undertake to change the State relations of any portion of our people without first having given them a fair opportunity to be heard upon the subject; and

WHEREAS, We cannot now tell with any degree of certainty when the people will be relieved from the troublous state into which they have been thrown, and left free to act upon this grave and important subject, and this Convention was hurriedly, and from the most urgent necessities called together by the people to stay the mighty tide of rebellion which was then sweeping over our land, and to do all in our power to save our beloved country from the vortex of impending ruin; and,

WHEREAS, This body is a Convention of the State of Virginia, and not a Convention of Delegates sent by the people from that part of the State intended to be formed into a new State; therefore, be it

*Resolved*, 1st. That it is premature, and would be taking unwarrantable advantage of our position and great injustice to those of our fellow-citizens, within the boundaries of the proposed new State, who are not and cannot at this time be represented in this body, for this Convention to undertake the formation of a Constitution for such new State.

2d. That we are not only willing but anxious that a vote of the people should be taken within the territory proposed to be formed into a new State, upon the question of a division of the State, so soon as the affairs of the country are in such condition that the people can meet at the polls and give a free and fair expression of their sentiments upon the subject, therefore we recommend [to] the General Assembly, provided the people within the proposed boundaries shall be freed from their present embarrassments and the state of affairs in the country will then admit of a full and free expression of the popular sentiment, to provide for taking a vote within the proposed boundaries on the question of a division of the State, on the first Thursday of January next.

3d. That it is the sentiment of this Convention that the best interests of both sections of the State demand a division and we further call upon and recommend [to] the General Assembly that they shall, so soon as the people within the boundaries proposed for a new State, enact all laws in conformity with the Constitution of the United States, which may be necessary to carry out the wishes of the people so expressed.

The question recurring upon the substitute for the substitute, Mr. Van Winkle proceeded to address the Convention at length and elaborately upon the subject of a division of the State, beginning at the call of the Richmond Convention, giving a full history of movements in Virginia, up to the present time, and arguing against any present attempt to divide the State.—The speech occupied two hours, and is in itself an admirable production. We shall take occasion at as early a day as possible to publish a full report of it.

After Mr. Van Winkle had concluded,

The Convention took a recess till two o'clock.

#### AFTERNOON SESSION.

The Convention met at 2 o'clock.

MR. CRANE, of Randolph, having the floor proceeded to reply to Mr. Van Winkle, reviewing that gentleman's position at considerable length. We shall have to defer a report of this until the publication of the speech to which it was a reply.

After Mr. Crane had concluded,

The President announced the question to be on the adoption of the substitute of the gentleman from Tyler.

On that question Mr. Snider demanded the yeas and nays.

FONTAIN SMITH said he desired to speak to the question, but he was at present physically unable to do so. He would like to have the vote postponed till morning, that he could have an opportunity to speak.—for that purpose he moved an adjournment.

MR. WEST hoped they would not adjourn without taking this vote, it could easily be done. It was a test vote, and by allowing



it to be taken they could now tell whether the Convention intended passing anything looking to a separation or not. They had yet three hours, and much could be done in that time.

MR. SNIDER merely wished to say, that if they did not intend to take any action in this matter, they had better go home, and not remain here at an expense of some \$3000.00 a week. If they intend to vote down this division let them vote it down and be done with it. They had had a speech yesterday that cost their constituents \$400.00, and two to-day costing them \$200.00 each. He thought prudence would dictate that if they intended to do anything, they had better do it and be done with it.

MR. BURDETT hoped the friends of division would vote down the motion so as to get a test vote.

MR. PAXTON trusted [that] the usual courtesy would be extended to the gentleman from Marion.

MR. SNIDER demanded the yeas and nays on the motion to adjourn, which being taken resulted—yeas 45, nays 31.

So the Convention adjourned.

#### ADJOURNED SESSION—NINTH DAY.

THURSDAY, AUGUST 15, 1861.

The Convention met at ten A. M.

Prayer by Rev. D. W. Fisher, (of New Orleans) of the Presbyterian Church.

Minutes read and approved.

MR. BURDETT moved to suspend the rule for the purpose of offering a resolution to limit and close debate on the subject of a division of the State.

The resolution was read as follows:

*Resolved.* That no member be allowed to speak to-day more than one hour, and from and after to-day no member be allowed to speak more than ten minutes on any subject, and that the debate on the subject of a division of the State close to-morrow at three o'clock P. M.

The rule was suspended.

MR. POLSLEY moved to strike out the latter clause, so as not to limit to ten minutes or to name any time for closing the debate. He was in favor of a full and free discussion.

MR. ZINN moved to amend the amendment by striking out "at 3 o'clock".

The amendment was accepted.

MR. SMITH, of Marion, said that restricting a member to one hour was simply to exclude members from the privilege of doing themselves justice before their constituents. What he desired to say he could not say in an hour. He asked as a courtesy that he be allowed more time. He was willing to sit and listen to other members till midnight, if need be.

MR. WEST thought it would be no more than justice to give the gentleman the time he desired. He had spoken and was not limited, and in order that other gentlemen might have the same privilege, he moved to lay the resolution on the table.

The question was put and the resolution tabled.

The order of the day was then taken up, it being the question upon the substitute of Mr. Boreman, for the substitute of Mr. Farnsworth for the report of the Committee on a Division of the State.

The substitute was read by the clerk.

MR. RITCHIE, of Marion, said that with the consent of his colleague he would like to make a few remarks. He was but a plain, unpretending old farmer, but had his views nevertheless on this momentous question, and he felt that he would not be doing his duty if he withheld their expression here.

He began by alluding to the indignation with which the passage of the ordinance of secession was received in Northwestern Virginia, and reviewed the circumstances of the calling of the first convention, its deeling totake action in dividing the State, and the calling of the second convention.

He thought many members of this Convention were over zealous in this matter. He held that a division of the State now would be in violation of the spirit, if not the letter of the [Federal] Constitution and cited the clause in reference to the formation of new States; that the consent of the whole State must be had, and not of one-third or one-fourth; that it would embarrass the action of the General Government in its effort to put down rebellion; that the slavery question must come up in the formation or adoption of a Constitution, and this would not only create controversy in Congress, but bring about a divided sentiment among our own people, which must result very disastrously. The present reorganized State Government would have to be abrogated, and the people of a portion of the State left without any government whatever. Such a movement must at this time tend to weaken the strength of the General Government and retard the restoration of the Union.



He desired a division of the State at the right time; none more than he did; but believing the results could be nothing but unfortunate, he desired to enter his solemn protest against any measure looking to a division of the State at this time.

He presented the following letter from a gentleman in high position in the government at Washington, which he desired the clerk to read:

ATTORNEY GENERAL'S OFFICE,  
August 12, 1861.

*Hon. A. F. Ritchie,  
Virginia Convention,  
Wheeling.*

SIR:—Your letter of the 9th instant was received within this hour, and as you ask an immediate answer, you, of course, will not expect me to go elaborately into the subject.

I have thought a great deal upon the question of dividing the State of Virginia into two States; and since I came here, as a member of the government, I have conversed with a good many, and corresponded with some of the good men of Western Virginia in regard to that matter. In all this intercourse, my constant and earnest effort has been to impress upon the minds of those gentlemen the vast importance—not to say necessity—in this terrible crisis of our national affairs, to abstain from the introduction of any new elements of revolution, to avoid, as far as possible, all new and original theories of government; but, on the contrary, in all the insurgent Commonwealths to adhere, as closely as circumstances will allow, to the old constitutional standard of principle, and to the traditional habits and thoughts of the people. And I still think that course is dictated by the plainest teachings of prudence.

The formation of a new State out of Western Virginia is an original, independent act of Revolution. I do not deny the power of Revolution (I do not call it right—for it is never prescribed, it exists in force only, and has and can have no law but the wil of the revolutionists.) Any attempt to carry it out involves a plain breach of both the constitution—of Virginia and the Nation. And hence it is plain that you cannot take that course without weakening, if not destroying, your claims upon the sympathy and support of the General Government; and without disconcerting the plan already adopted both by Virginia and the General Government, for the reorganization of the revolted States, and the restoration of the integrity of the Union. That plan, I understand to be this: When a State, by its perverted functionaries, has declared itself out of the Union, we avail ourselves of all the sound and loyal elements of the State—all who owe allegiance to, and claim protection of the Constitution, to form a State Government, as nearly as may be, upon the former model, and claiming to be the very State which has been, in part, overthrown by the successful rebellion. In this way we establish a constitutional nucleus around which all the scattered elements of the Commonwealth may meet and combine and thus restore the old State in its original integrity.

This, I verily thought, was the plan adopted at Wheeling, and recognized and acted upon by the General Government here. Your Convention annulled the revolutionary proceedings at Richmond, both in the Convention and the General Assembly, and your new Governor formally demanded of the President the fulfillment of the constitutional guarantee in favor of Virginia—Virginia, as known to our fathers and to us. The President admitted the obligation and promised his best efforts to fulfill it; and the Senate admitted your Senators not as representing a

new and nameless State, now for the first time heard of in our history, but as representing "the good old Commonwealth."

Must this all be undone, and a new and hazardous experiment be ventured upon, at the moment when danger and difficulties are thickening around us? I hope not—for the sake of the nation and the State, I hope not. I had rejoiced in the movement in Western Virginia, as a legal, constitutional and safe refuge from revolution and anarchy—as at once an example and fit instrument for the restoration of all the revolted States.

I have not time now to discuss the subject in its various bearings: What I have written, is written with a running pen, and will need your charitable criticism.

If I had time I think I could give persuasive reasons for declining the attempt to create a new State at this perilous time. At another time, I might be willing to go fully into the question, but now I can say no more.

Most respectfully,  
*Your ob't serv't,*

EDW. BATES.

MR. SMITH, of Marion, then addressed the Convention in opposition to an immediate division of the State. The first part of his argument was devoted to showing the natural antagonism between Eastern and Western Virginia; an antagonism of commercial interest, of climate and production, of social habits and thought, of educational modes and even religions, and showed that all these demanded separate governments for the two peoples. But he contended there were at this time difficulties in the way which he deemed insuperable.

One was that a division could not now be obtained in accordance with the intention of the Constitution of the United States.

He referred to the action taken by the then territory of Vermont in 1781, in its erection as a State out of the territory of New York and New Hampshire, and how its application had been rejected by Congress until the full consent of both the States had been obtained. Also to the action taken by a convention during the year 1784, in what was then the territory of Franklin, (now the State of Tennessee,) subject to and part of North Carolina. This territory, through a convention, made application to Congress for admission into the Union and was rejected on the ground that the consent of the Legislature of North Carolina had not been obtained. The result of the attempt was a deplorable State of civil war which ended only when that people returned to their allegiance to the State of North Carolina.

He next alluded to the case presented by the formation of Kentucky, out of Virginia, in which instance the Legislature of Vir-



ginia passed an act and the consent of Congress was granted upon application, for the admission.

From these instances he deduced the principle that new States to be formed of two other States, or carved out of any one State, must have the full consent of such States to their erection.

The speaker proceeded to argue that such consent of the people of Virginia could not now be obtained. That the larger part of the States was in duress, and could give no expression either through representatives or otherwise; and that it would be both wrong and unconstitutional to proceed to take advantage of what he styled a "legal fiction," in order to now obtain a division of the State in opposition to the Eastern part of the State, which was as much interested in the matter as ourselves, and had the same right to be heard.

Having now assumed to be the State of Virginia, they were of course responsible for the entire State debt. If they divided the State and abdicated all the government of Virginia, then, of course, it would be running counter to the interests of those who held \$50,000,000 of bonds against the State, and all their opposition would have to be encountered. This was one difficulty in the way.

His own position was taken boldly, and was, that a division of the State could only be obtained by the consent of all of Virginia, Eastern and Middle, as well as Western, and he argued that when the rebellion should have been driven out of the rest of the State, the power of government would be in the hands of a different class of men in that part of the State from what it is now, poor men, whose interests would be identical with our own, who would be friendly to us and who, should we still desire it, give in their consent to a separation.

In regard to the possible failure of the United States to sustain itself, a division would in that event make us no better off, for then the Government would not be able to dictate terms. and Jefferson Davis determine not to surrender one foot of Southern soil, would sweep away all our imaginary lines as if by a magician's wand. But he had never doubted, and did not now, that the Government would entirely succeed, and in that event we were safe anyhow.

As to the question of slavery, he looked upon it as a matter of climate and soil. When men learned their interests they would always be governed by them. Had men taken this view of slavery it would have saved much bloodshed to the country. Slavery was

constitutionally right, but it might not be always practicably so. He was willing to leave the settlement of that matter to a majority, and would submit to whatever might be the decision, but if this question was agitated now whilst the present party was in power, just so sure would an application for admission be rejected. His plan was to adopt the present State constitution with such modifications as might be necessary and hold an election, say October next, to get an expression of the people.

After Mr. Smith had concluded his speech, of which we are able to give but a very brief synopsis, the Convention took a recess.

#### AFTERNOON SESSION.

The Convention re-assembled at half past two.

MR. PAXTON obtained the floor and proceeded to say that he had no intention of afflicting the Convention with a set speech, but simply to give expression to a few remarks upon the question before them.

They had before them the most important question that could come up for consideration, and there should be a full and complete expression upon it. He was free to admit that nothing should be done here to embarrass the government. It could not be denied that the greater part of the loyal people of Western Virginia was represented here. These people, he went on to show, had long been oppressed by the remainder of the State, and even their warning, when the ordinance passed, that the people would not submit was treated with a sneering contempt. We had submitted, they said, and would again.

That our best interests demanded a separate State government from those from whom we are naturally separated does not demand an argument; and now, if this was so, and our people were clamorous for it, and if the constitutional difficulty to a separation had disappeared, why may they not now when they had the opportunity and power, initiate steps for a division of the State.

The answer is that this would embarrass the General Government. The whole answer, we believe, could be summed up in this, notwithstanding the said questions urged here.

With all deference to the opinion of these gentlemen, he could not see how action in this manner could embarrass the Government. They were now entirely dependent upon the Government and even



if now everything were done necessary to make a division, it would avail nothing unless assented to by Congress. This could not, therefore, embarrass the Government.

If this State was ever to be divided, it must be begun some time by somebody. It would not divide itself. If it be so desirable was it not their duty here to undertake it, and if Congress refused they would have discharged their duty, and he thought Congress nor no one would blame them for looking to their own interests. This argument of embarrassing the Government reminded him of somebody who said during the oil excitement that it was sinful to bore for oil, "because," and then said he "it is evident that Providence placed this highly inflammable substance in the bowels of the earth to assist in the general conflagration of the world, and if you keep on you will get it all out directly and then you will defeat the designs of Providence." (Laughter.) He believed Congress would in good time sanction any proper division that might be made, and he thought the Convention should not adjourn without taking some step to meet the expectations of the people.

MR. LEWIS obtained the floor and said that early in this contest, forced upon the loyal people of this country, it was his fortune to have been regarded as loyal, and in several canvasses to assist in staying the hand of rebellion.

The meeting was held in Clarksburg to call the Convention here in Wheeling. He had been appointed to the Convention, but declined because he had understood it was called to organize a provisional government for Northwestern Virginia alone.

When the Convention was first assembled here it was for the purpose of dividing the State, and if they now failed to do this they would defeat the purpose, and the only one, the people had in calling together this Convention. He had listened with pleasure to the ingenious and able speeches that had been made here by his friends from Wood and Marion. He had been pleased with that portion of their speeches depicting the condition and wrongs of Western Virginia, and that part showing that we had practical, constitutional government here, fully recognized as such. The gentleman from Marion told them he was ready to divide the State whenever it could be done constitutionally, and according to the gentleman from Wood, it had all the power that any government of the State could have. If so, where is the difficulty upon Constitutional ground?

They had warned their eastern brethren that they had not the power to protect us here; and after the ordinance of secession passed civil government was powerless here, and they were forced to form a government here for their own protection.

He referred to the language of Letcher prohibiting the exportation of provisions, and said we had not had Republican government until this was formed, and it was right to establish one, and the duty of General Government to protect us in this Government.

Well, how long did gentlemen expect this provisional government here to last? He believed it was intended to last six months. Did they propose to follow the example of the Confederate States and keep the people under a provisional government in which they had no voice?

Did his friends who had spoken propose that this provisional government, in which the people had not had as much voice as they desired, should last until this revolution should come to a close? He admitted the necessity of the establishment of this provisional government, but the moment that necessity had passed away, let the government expire. Who could tell when this great question should be settled, and shall our people be deprived till then of their rights in a representative government?

MR. VAN WINKLE said it was not called a provisional government. It was to terminate in six months. It was temporary only in its executive.

MR. LEWIS inquired what was then to be done when the six months were out; when was it to come back to the representative character? If it was now in their power to bring it back to that, in the name of the people of this country, and of representative government, he demanded it should be done.

He admitted there were difficulties. But what great achievements did not encounter difficulties? But were the people to be thwarted from their wishes because there were difficulties? What disposition was to be made of the public debt? The secessionists, by their own former action, are committed to the adjustment of such matter by commissioners. of the Southern Confederacy, made a proposition to adjust by commissioners, the accounts between them and the Government.

He went on to show how much the West had contributed to the improvements of the East, and declared that they did not owe the East a dollar. He proposed to charge the counties with all they



had received and credit them with all they had furnished. Then let every fair demand be met that might be made upon the government.

As for the question of slavery; he did not think it worth while to blink it.—Gentlemen were in the habit of apologizing for speaking of this question. It had been mooted here, it was a question of magnitude, but one, he thought, that ought to create no difficulty at this time. Were they willing to make sacrifices for the greatest good to the greatest number?—Time with the particular operations of interest would dispose of that question in Northwestern Virginia. Let the situation of the State be as it was now without the dotting of an “i” or the crossing of a “t”. He had resisted rebellion because he believed it would strike a death blow at the institution of slavery. But this institution would go wherever it is profitable, and cease wherever it is not. Let them not hear the ravings of the abolitionists in their midst; but let the question be left to the silent laws of political economy. But if that question was to be met here let it be met now. Word had gone forth that they were afraid to organize a State government here, less the emancipationist should raise his head in our midst; that there was danger of this being a free State or breaking up in confusion and he wanted to meet the question now and see whether this was the case or not.

The question was no novel one. At the time of the formation of the Constitution, the smaller States demanded that Virginia should cede this Northwestern territory to help pay a war debt and because Virginia and New York, with all this territory, would become too powerful for the safety of the other States. Virginia then resisted the cession of that territory; and she never would, it was evident, consent to a division in time of peace. It was long ago anticipated that this very people would one day revolutionize to cut the cords that bind us to the East. Virginia, fearing that some day the West would get the ascendancy, a statute was enacted making it treason to attempt a division of the State. He read the statute, making it treason to attempt to erect any “usurped government” within the State, and said he believed in time of peace it would be treason to propose the re-erection of any such government as this within the State, and would even be treason to petition the Legislature on the subject. And was it supposed that a people who had always violated thus the natural and

guaranteed rights of freemen, would ever consent to a division which they had always so sedulously guarded against. But Eastern Virginia had a reason for this, and that was the salvation of her own material interests, and not so much the oppression of Western Virginia; and because our prosperity must of necessity detract from hers. Did they think that in times of peace, the East would allow the formation of a new State, through which a great thoroughfare leading from the lower Ohio by a shorter route towards New York, the great centre of Commerce, could be made, which would come in conflict with her channels of trade?

As for the question of boundary, he knew it would be a difficult one, but it had to be met, and might as well be met now. He believed they should not take in any unwilling county, or any which, by geographical position and material interest was not with us. He would like to have Jefferson for this great line of railroad to run through and he would like to have the counties along the line of the Baltimore and Ohio Railroad, but it was not absolutely essential, for the road had a right-of-way of which it could not be deprived. He confessed, however, that where a county was situated in our midst which might not now be loyal, we had a right to take it in, if a majority of those around it should say their interest required it. But he did not desire to bring in such counties which lay upon the borders if they were unwilling; however, a provision might be made to provide for an expression from all such, and let the matter be determined by that.

This now was the only recognized government in the State. If action were taken now they could go before Congress having fulfilled all the requirements of the United States. The Constitution did not require the assent of the people of Eastern Virginia, but of the Legislature of Virginia. They did not belong to the East but to themselves, and why should they go on bended knees to those from whom they had received much wrong and nothing of good. The West had grown to be a power not by their aid, but in spite of them. We should take advantage of the position the East, by their own act, had placed us in, and not be withheld by any mock modesty. Would Congress refuse this request made by loyal citizens wishing to take their destinies in their own hands? He believed not. He believed the General Government would recognize us. He could not see how it would prejudice the cause of our common country



It might, however, address itself to the fears of the Southern States situated as Virginia is, with a loyal section within their boundaries, lest they should do as we are doing. That was their lookout, not ours. He repeated that this Convention had been convened for the express purpose of a division of the State, and read letters from citizens of the interior urging some measure looking to that purpose. He had presented these letters here that the voice of their people might be heard here. It was their duty as representatives to represent that voice or resign. One of the letters was from Hon. William G. Brown, and Mr. Brown told them now was the time.

After Mr. Lewis had concluded.

MR. POLSLEY gave notice that he desired to speak tomorrow.

MR. CARLILE offered a proposition with a view that it should be printed.

The paper was received and ordered to be printed.

MR. SMITH, of Marion, said that as numerous letters had been read, he proposed that a letter from Mr. Bates to a member of this Convention, should be read.

Several members said it had been read.

MR. CARLILE said in reference to this letter which had been read, that there was another letter from Mr. Bates now in the possession of the Secretary, in which that gentleman took very different grounds from those taken in this one; and if Mr. Bates was to be dragged in here for the purpose of influencing gentlemen to run counter to the wishes of their constituents, he would insist that he should be brought in in both phases in which he had placed himself. (Laughter.)

For himself, he knew not Mr. Bates in this transaction, nor any other high functionary; he knew alone the interests of the people to whom he was indebted for a place on this floor; and their interests and wishes should be the guide of his action, uninfluenced by any letters from those in authority. If the opinions of members of the Administration were to be used to influence them in perhaps the greatest question that ever interested a people, he could, if it would not be doing injustice to other members of the Administration, relieve them from the suspicion of participating in this second edition of Bates.

MR. SMITH retorted that Mr. Bates was as good authority as other letters read here this evening.

MR. CARLILE replied that Mr. Bates might be very good authority, but he was not their constituents. (Laughter).

MR. POLSLEY moved to adjourn.

MR. BURLEY asked the gentleman to withdraw his motion to allow the rule to be suspended to enable him to offer a resolution; and he would just take occasion to say that he thought it very unjust to attack Mr. Bates as interfering here when the letter was written only in answer to one addressed to him on the subject.

The rule was suspended, and Mr. Burley offered his resolution, which was adopted, as follows:

*Resolved*, That during the remainder of the session this Convention will meet at 9 o'clock A. M., sit till half-past 12 P. M., and meet again at 2 P. M.

The Convention then adjourned.

## ADJOURNED SESSION—TENTH DAY.

FRIDAY, AUGUST 16, 1861.

The Convention met at half-past 9 A. M.

Minutes read and approved.

The order of the day was taken up.

The question was announced upon the adoption of the substitute of Mr. Boreman, of Tyler, and upon this

MR. POLSLEY, of Mason, proceeded to address the Convention.

He said there was a great principle at the base of our action here. Let us try to discover it and adhere to it, for after all if the principle of our action was not correct we must certainly fail. Before proceeding to review their action here, he proceeded to pay his respects to the gentleman from Harrison, who had been the first mover of their movement here.

The Convention of May had been correctly denominated a mass meeting, and the primary object of that Convention was a division of the State. The county of Mason was at that time almost a unit for a division, but the representatives of that county came to that mass meeting prepared to adopt any course that might seem best. They listened to the discussion at that time, and the result of that debate was to satisfy them that they were not then ready to act for a division of the State; that it was then premature. He went on to speak of the somewhat acrimonious debate that ensued between



Mr. Carlile and Messrs. Jackson, Willey and Pierpont. and the offering and adoption of the proposition which resulted in harmonizing their action. That proposition did not in so many words call for a re-organization of the State government, but he was satisfied at the time that it must result in that. He spoke of the appointment of a Central Committee and the calling of another Convention and said that he would take it upon himself to say that this Convention was not called for the purpose of dividing the State, but they were called together for the sole purpose of reorganizing the State government. The appointment of that Committee was substantially the appointment of a provisional government, with the gentleman from Harrison at its head, and it was so understood everywhere, by the people and by the Federal authorities; and at the request of that Committee aid was furnished to Western Virginia by the Federal Government. It was substantially a provisional government, and so recognized by the public authorities.

Now in relation to what were the objects of the calling of this Convention, he read the eighth resolution of the May Convention, appointing the election for delegates to this Convention here on the 11th of June, "to devise such measures and take such action as the safety and welfare of the people may demand."

The Committee proceeded to take such measures as they deemed best, issuing addresses, etc., from one of which he read to show that the object shadowed forth in both that Address and the resolution of the May Convention. was to maintain their position in the Union; to organize resistance to secession. There was another Address issued by the committee, in which the object of this Convention was set forth as proposing to proceed to reorganize the government of Virginia, and nothing more nor less. Was he wrong in saying this?

MR. CARLILE said in reply, that he did not remember whether the gentleman had stated it right or not; the Address had not been written by himself, but by another member of the committee.

MR. POLSLEY said such was his recollection, that it distinctly set forth that object. He knew that speeches of gentlemen in the first Convention contemplated a division, but this Convention was not to be governed by such expressions, but by the authorized expressions and conclusions of that body, and the documents he referred to showed that this Convention was called for the specific purpose of a reorganization of the State government.

Not only so, but such was the understanding, and such substantially our own declaration in the first session of this Convention; and must they now go back and reverse their own decisions deliberately made? Then they had acted upon this very point and acted specifically, and this body unanimously declared that during the present revolutionary crisis and the continuance of hostilities, it was imprudent and inexpedient to undertake a division of the State. He read from the Address prepared by the Committee on Business and adopted by the Convention at the close of the first session, to sustain this proposition.

Now they were asked, clamorously demanded, to act upon the division question. Was there not danger of committing the error committed by the Convention at Richmond of exercising powers not intended to be conferred upon them by the people? He thought there was. He had therefore deemed it necessary to recur to the powers conferred upon them by the people. They should limit themselves to their legitimate powers. A certain amount of action was necessary, but it had been determined by this Convention itself not to take any action not absolutely necessary for the immediate safety of the people; and this action taken here now had received the sanction of loyal people everywhere, and of the authorities of the United States. Did they suppose if they had inaugurated a mere paper re-organization of the government they would have received this sanction and recognition? No, Sir.

He appealed to them as statesmen to maintain their consistency, and not to stultify themselves by repudiating all their former action. If they proceeded now to direct a division of the State before a free expression of the people could be had, they would do a more despotic act than any ever done by the Richmond Convention itself. That Convention had offered the people of the State at least the form of a vote, and the Northwest at least had had a full and free expression; and now they proposed to cut off Eastern Virginia without even the form of a vote. They now proposed a division when it was impossible for one-fourth of even the counties included in the boundaries proposed to give even an expression upon the proposition. Were they to act for the West alone, and when but a small portion of it even could speak? But gentlemen told them the enemy would soon be expelled, and then they could have a vote.

MR. LEWIS inquired whether the gentleman would vote for the



original bill or the substitute of the gentleman from Upshur, or for that of Mr. Carlile, if the time of holding an election for an expression of the people should be put off till the first of January.

MR. POLSLEY said if he would so modify his proposition as to let the Legislature order an election so soon as it might appear that a satisfactory and free expression might be obtained. But he was opposed to fixing a particular day. He believed that a proposition to divide the State should originate in the Convention. He did desire most earnestly that this Commonwealth might be divided as early as possible, but he feared a false step now would effectually defeat the grand object which they all had at heart.

As for the danger in case of a compromise with a rebellion, he had never for one moment felt a doubt of the ultimate success of the arms of the Union, but if that danger did exist then he maintained their present position was much stronger than if changed in any particular. Was it presumable that in such an event the State of Delaware or Maryland could be transferred without their assent? If not true of them neither was it true of the State of Virginia. On the hypothesis that we were the legitimate government of Virginia, could any compromise be made to transfer Virginia without the consent of our government here?

They had been told that the people are clamorous for immediate action. He had endeavored to find out if this was an imaginary or a real clamor. When people are oppressed, or desire a grand object through their representatives, it has been customary to present their petitions for that purpose. Had a solitary petition been offered here?

A MEMBER said some three or four had been offered here, signed by some seven hundred names.

Several members volunteered to give the gentlemen information as to the willingness of their constituents to sign such petitions.

MR. POLSLEY resumed: "Well, then, here were seven hundred out of some 640,000, who had petitioned them on this subject."

The Speaker followed at some length in a criticism upon the course of the Hon. William G. Brown, of Preston, for attempting, as he said, to influence members of the Legislature to go for an immediate division.

He had been told that Senator Johnson, of Missouri, had expressed an opinion in favor of a division of this State, and that opinion was used as an argument here. Who was Senator Johnson? He

was a nephew of Ex-Governor Joseph Johnson, of this State. Senator Johnson was found alongside of John C. Breckenridge, and others like him and was a secessionist, and gave that advice because, if acted upon, it would destroy public confidence in this body and our government here.

Mr. CARLILE wished to say a word in justice to Senator Johnson, but

Mr. POLSLEY declined to give way. He insisted that by the Union men of the country Senator Johnson was regarded as a secessionist; and his proposition was the very identical advice he would expect to hear from every secessionist in the land. Let him inquire if there was a solitary Senator in Congress, or member of the House of Representatives, who was in favor of immediate action towards a division of this State who could be relied on as sound and loyal. No, Sir; all such had advised them to adhere to the position they had now assumed. They had now the support of public opinion, and let them maintain it. Mr. Polsley concluded without being able, on account of ill health, to finish his remarks.

Mr. HUBBARD, of Ohio [county] followed, apologizing for succeeding Mr. Polsley upon the same side of the question. He went back and reviewed the early steps taken in the movement here inaugurated and argued from the language of the call of the first Convention, and that of the Addresses of the Central Committee, and the resolution of the first Convention, that it was not inaugurated for a division of the State, but a re-organization of the government for the whole State, and the support of the General Government in putting down rebellion.

He alluded to the resolutions of Mr. Farnsworth, declaring that the object of re-organizing the government was to obtain the division of the State, which were laid upon the table by a vote of some fifty odd to seventeen. He criticised the course of Mr. Lewis, of Harrison, in relation to his former position upon this question, and referred to a card that gentleman had published denouncing the action of the first Convention.

Mr. LEWIS said that the card referred to would show that he was opposed to a disintegration of the State at that time, which he understood the Convention to favor, because he believed it would then have been unconstitutional; but when the re-organization of the whole State was suggested he saw that an object which he had long desired might be accomplished constitutionally, and



he had more than once expressed regret that he had at first misunderstood the object of the movement.

MR. HUBBARD, resuming, said his objection to action now in the direction of a division was that it would embarrass the General Government in putting down rebellion, and if he did not believe this he would make no objection whatever. He wanted to know of gentlemen if the regular State government now in operation here was destroyed how could the remainder of the State ever be restored to the Union. The President of the United States had said that this movement here was worth more to the Government than an army with banners. He regretted to have heard the suggestion that upon the erection of a new State, and the fixing of the boundaries at the Allegheny, our young men would rally to that barrier to defend us. Why, Sir, what would you have thought if the people of Ohio had rallied to the Ohio river and said: "Here we will defend the Union." He wanted them not to stand still but to go on until the loyal people of all the State, and of all the South, should be liberated from their present oppression. When this had been done he was willing to go for a division, but not till then. He felt that he was pledged to every Union man in Virginia to press forward their deliverance to a final consummation. It was not a question of self interest, but of duty to the whole country. He wanted them to realize that they were not a third party, but they were part of the government, and their highest duty was to the Constitution of the United States. He regretted that it had been doubted that the government would not be successful in the contest. He himself had no doubt. He knew of no way to restore the Union except for the loyal people of the seceded States to reorganize their State governments; and now that they had inaugurated this general movement, he hoped they would rise to the importance of this great movement and not turn aside for any object of minor importance.

The speaker spent some time in replying to the arguments offered a few days ago by the gentleman from Randolph (Mr. Crane).

Gentlemen wanted to know how long he was willing to remain connected with the East; just so long he replied, as it should be necessary to sustain the loyal people of the East, and aid the Government in putting down rebellion.

One more thought was that action now would injure this gov-

ernment here; that as soon as this other government should be projected they would lose their regard for this one. And in reply to the gentleman from Lewis in reference to wanting a representative government, he would say that a Governor could be elected as easily and speedily as the State could be divided.

There were many other points to be noticed in this connection, but he would leave them to other gentlemen.

After Mr. Hubbard concluded,

MR. ZINN made an explanation in regard to the letter written by Mr. Brown, which, it had been charged here, was written with a view of influencing the action of the Legislature.

MR. FARNSWORTH obtained the floor, but gave way to Mr. Carlile, who addressed the Convention at length.

MR. CARLILE having obtained the floor, said:

MR. PRESIDENT—I have already said so much on this subject that I feel that it would be inflicting unusual punishment upon the Convention for me to enter into anything like an extended line of remarks now. I do not design to do so; but will be brief as I can be and pointed as I may.

We should not, Sir, in the heat of discussion, in our zeal, or in the confidence we have in the correctness of our judgments, allow that zeal to run away with those judgments in the discussion of the question now under consideration. I have been astounded at listening to speeches from very patriotic and able gentlemen who seemed to argue this question as if our loyalty to the Union was bounded by State lines. My friend who has just taken his seat (Mr. Hubbard) imagines in one moment that our loyalty to the Union ceases the instant the people of this country should run a line separating them from the residue of the State, and in the same breath, almost, he shows conclusively that that cannot be, for he pays a well-merited compliment to our loyal friends across the river,

MR. HUBBARD—I was simply commenting upon the remark of a member that we should fortify along the boundary of the new State when run, and merely referred to our Ohio friends in showing how unpatriotic was such a suggestion.

MR. CARLILE—Well, if I had supposed that loyalty was bounded by state lines, I would be the last to claim the State of Virginia as she stands today upon the question of loyalty, as my own. If gentleman will convince me that the running of a line on the top of the Allegheny mountains, or anywhere else separating the North-



western portion of the State from the residue of the State, and erecting it into a separate and independent State, would relinquish the patriotism of its people, I would be the last man to do so. Or if you can satisfy me that the action we propose here will embarrass the Federal Government in the slightest degree in the effort that it is now making to maintain the Union and the supremacy of the laws, I will join hands with you gentlemen and vote the proposition down. That is the only argument I have heard in which all those who have spoken on the other side of the question concur in the opposition of this movement—that it will embarrass the Administration. How, Sir? How? Does the Ohio river that divides us from the State on the other side embarrass the Administration in the efforts it is making to put down rebellion? Is Ohio disloyal? Does she send fewer troops here? Does she respond less eagerly to the call for men and money to aid the government than she would if there were included within her State limits the soil upon which we stand? Away with the idea that imaginary lines, defining the boundaries of States, crush the power out of the government to maintain and protect itself. And, Sir, I was surprised to hear that here in the city of Wheeling, the constituents of my friends on this floor will feel themselves constrained, in the event that the people of Northwestern Virginia shall be consulted as to the division of the State, to propose that they should be allowed to cut off what they call the “Panhandle” and attach themselves as an appendage to the small end of Pittsburgh! Wheeling, the city of the West, that in the event of a new State being erected here would be the great manufacturing and commercial city of the State—Wheeling, which has had to struggle with the State of Pennsylvania to be allowed the privilege of erecting the beautiful and magnificent structure that now spans the beautiful Ohio—Wheeling seeking to be an appendage to the small end of Pittsburgh! Let the question be put. We will vote today if desired; and I know the good sense and interest of the people of these four counties will prompt them to vote it down. I have no fears that Wheeling will ever commit such suicide as that would be to her.

Now, Sir, tell me how the government is to be embarrassed by what we wish to do towards dividing the State? We cannot divide the State. What, then, do we propose to do? We propose that the people within a certain boundary may be allowed to declare their wishes on this subject. That is all; and the bare fact of consulting

the people upon a question that has long been agitated by them is denounced upon this floor in unmeasured terms. But the act, it is said, will embarrass the government in its military operations. Now, will any gentleman be kind enough to point out how? Show us in what manner this embarrassment is to be effected. I listened attentively and with pleasure, as I always do, to the very sensible and able argument of my friend from Mason (Mr. Polsley), and with all his ability and good sense, he contented himself upon this branch of the argument by merely announcing the fact. Now, Sir, I pledge myself to him, and to any other gentleman opposed to this movement, that, if they will assign one solitary reason—one reason true in itself—if they will point out and show to me how the passage of the proposition now under consideration will embarrass the Federal Government in the effort it is making, I will vote with him.

MR. HUBBARD—How is Eastern Virginia to be restored to the Union, if the State is divided?

MR. CARLILE—I will tell my friend how. . Who is to restore Eastern Virginia to the Union? Who restored Northwestern Virginia to the Union? Why, Sir, the loyal people of Eastern Virginia will have to restore it. That is the way Eastern Virginia is to be restored. That is the way every seceded State in the Union is to be restored—by the action of the loyal people residing within its limits. But, Sir, this does not prevent us from aiding the restoration of the rest of the State. The passage of this proposition will not defeat that object; it will not render us less powerful than we now are. When do gentlemen suppose we will have assembled here representatives from all of Virginia?—Will they fix any time? I suppose, Sir, that if that sight is ever to be presented to our view, it will be presented before the meeting of the next session of the General Assembly.

I suppose, Sir, that this object which gentlemen desire if not effected by that time, will be postponed an indefinite period of time; and I should be willing to accept as true the remarks made by Governor Sprague, of Rhode Island—than whom a more gallant and loyal heart has not exhibited himself during this controversy, marching at the head of his own regiments, regiments composed of men worth their hundreds of thousands of dollars—when he told his Legislature upon his return the other day that this was to be a long, protracted war. It is to be a long and protracted war; and if we are to take care of our material interests until that war shall have ended, as is intimated by the gentleman from Mason—if this



is to be so, let us know it, and let our people understand it. He says he is for no action until we see represented here every portion of the Commonwealth of Virginia.—Then, Sir, what is that declaration? What does that declaration amount to? I put it to his candor—I ask him to answer me sincerely, and say if he believes that if we postpone action until we have here a full representation from every county in the State, a separation ever will be obtained? Sir, if he does, he has more faith than I have. I have none. This State never will be divided if you consult every individual county through representation in the General Assembly. Gentlemen seem to think, Sir, that it is ungenerous, unkind, to our eastern “brethren” to take this advantage of them now. Unkind! Who among them dares to make that charge? How much, Sir, were our interests or advantages consulted when they took upon themselves to throw off their allegiance to that Constitution which Washington formed, when they inaugurated a revolution in our midst and made this the seat of War?

MR. SMITH, of Marion—“Does the gentleman have reference to the remarks I made?”

MR. CARLILE—“Not unless you said so.”

MR. SMITH—“No reference was made by me to the rebellious sentiment in Eastern Virginia, no sympathy expressed for them; but a sympathy was expressed for the Union men there who are now trampled down by this worse than despotism. That is their situation there; and we believe that if they could be relieved by any effort of ours, a Union sentiment would be developed there which, in gratitude to us, would magnanimously grant to us our rights, and if we would change our present Constitution so as to rest our representation upon the white basis, that we will then have a majority, and we can control the East in these matters. Not that we should hesitate a single moment because of the rebellious sentiment in the East, but because of the loyal sentiment there.”

MR. CARLILE—“The gentleman talks of controlling Eastern Virginia by a legislative majority. Sir, we never had, and I venture to say, never will have, a majority in the Legislature of Virginia.

Now, Sir, when gentlemen speak of the West, they speak of it as defined by a natural line. Sir, in a political sense, there is no West, and never has been, save the Northwest. That is the fact as the records and the journals of the Legislature for the last half

century will testify. The only West, in its political sense, is the Northwest. Where was the fight made and the battle fought—as my friend from Wood (Mr. Van Winkle) well knows—but in the Northwest?”

MR. VAN WINKLE—“In the Valley.”

MR. CARLILE—“In how much of the Valley?”

MR. VAN WINKLE—“Nearly all.”

MR. SMITH, of Marion—“Yes, and in the East.”

MR. CARLILE—“Yes, in the East! Wise fought for it. You had Wise over there then; but where is he now?”

But, Sir, look at the lines of improvement in Western Virginia outside of the Northwest. Where do they lead? Where is the railroad that penetrates Monroe and Greenbrier and the whole Southwest? It is the road that runs from Richmond. And the canal that has its commencement there and extends on into Covington? They all lead into and connect with the East. It is idle for gentlemen to talk of any other west save the Northwest. All the rest and residue of the State is bound by iron bands and commercial ties to the Eastern part of the State, and can never have any commercial interests or intercourse with us.

Sir, in looking to this, for the first time in my life, last fall I traveled through the entire Southwest. I saw these things for myself, and if gentlemen have never been there they cannot appreciate the utter impossibility of ever forming anything like business connections between that portion of the State and this. The wealth of Croesus would not construct a single line of improvement, running anywhere from the Northwest into the Southwest, and even if it were possible to build commercial lines it would be an unnatural direction for trade.

Now, Sir, tell me if you can, how the loyal people of Eastern Virginia are to be retarded in any effort they may hereafter make in extending over them the protection, as has been said, of that flag, (pointing to the Stars and Stripes suspended over the President's desk.) Do we propose to take up our Government and people and walk over into Rockingham and Shenandoah and take a position there? Or is it,—and it is but fair to suppose that gentlemen believe that there are within all these counties patriotic and loyal hearts panting for an opportunity to show their allegiance to the government formed for them by their fathers, and their hatred to these who have involved them in this rebellion? Is not that the



idea? Does any man suppose that ever Eastern Virginia is to be restored to the Union as she was before the inauguration of this rebellion, unless it be by the act of her own people residing within her own limits, and living there, precisely as Northwestern Virginia has done? Then, Sir, tell me how this is to be accomplished. As the armies of the United States march through that portion of the State and drive before them and out of the country, those who are engaged in rebellion, and leave the "loyal hearts" free, can they not act for themselves? What, then, is to prevent them? Have they not the same General Government we have? Have they not the same Constitution that we have? Have they not the same "loyal hearts" and the same wise heads that we have? If they have not, God help them. (Laughter). I fear that even with our efforts they could not be saved. (Renewed laughter). Sir, this great movement that is "worth more than an army with banners," which as was well said by the gentleman from this city, is the movement which is to restore the Union—this movement has to be made, and effected, and inaugurated, and persisted in by the people inhabiting and residing within the limits of the respective counties that have suffered from secessionism and rebellion. Have they not within their midst loyal men, wise men, men capable of being Governors and members of the Legislature? If they have not they could not send them here. They must have members of the Legislature, and those members must of necessity be selected from among their midst and how do you prevent their patriotic action, by either bringing them to sit in a legislative body at Wheeling, or allowing them to sit in one east of the mountains? Would they be less wise or less patriotic sitting in a legislative body there, than they would be sitting in one here? I grant you they would not have the benefit of our counsel, but in days gone by they have been unwilling to take our counsel. We have endeavored to force it upon them, but we have always been told in effect, to stand aside, and we have been spoken of as the "disgraced Northwest." And it is to these, "our brethren," who have brought upon us calamities under which our whole country is reeling and tottering—who have involved us all in one common ruin—it is tender consideration for these gentlemen that is to stay us in an effort made to relieve us from a dominant and arrogant governmental majority, and place us where, and make us what nature and nature's God designed us to be, a free, separate, independent, political community, occupying a place upon that flag,

a star as large as either of them, side by side with the thirty-four now there. This is to be sacrificed; our material interests are not to be considered; the wealth contained within the surface of our soil is to remain as it has always been, undeveloped; and we are to seek in other States and in other communities, that sympathy that we should share and which we would share in our own State, if we were not separated from the rest of it by natural insurmountable barriers.

But, Sir, a resolution offered by my friend from Upshur, (Mr. Farnsworth,) at the last session of the Convention, is referred to as having been defeated, and it is sought, by constructions placed upon this and upon the action of the former Convention, to deny this Convention the power to do anything that will affect, in the slightest degree the status of our people, or any portion of them. They deny that the object of calling this Convention was to provide a way by which the people could declare their wishes on this subject; and then quote resolutions, all of which go to show that the object of this Convention was "to take such steps and adopt such measures as will best promote the welfare and secure the safety" of our constituents. Now, Sir, there are some of us here foolish enough to believe that our interests and welfare will be best promoted by a separation from the rest of the State. I would like to know if we so believe, if we have not the right, under and by the authority of those resolutions referred to, to endeavor if possible to induce the Convention to allow the people to speak their views on this subject. No definite action under prescribed rule was laid down for our government by the plan of any of these Conventions; but when that very resolution of my friend from Upshur was tabled—and I take it for granted I voted to table it—when it was under discussion here for two days, as mentioned by the gentleman from the city of Wheeling (Mr. Hubbard), I know one member of this Convention that did say that he opposed such propositions then because we had no legislature that could give the consent required by the constitution to our separation, but who did, in the very same speech in which he opposed the resolution, say that at the very instant, as soon as could be, after we have such a Legislature, he would be foremost among those who sought a division of the State. He who now addresses you said that on the 13th of June.

We knew how that resolution was tabled. That vote was no ex-



pression of sentiment, and it was so said by men who voted for tabling the resolution. I recollect my friend from Monongalia (Mr. Dorsey,) who came here from a county, at a town of which eight hundred and twenty-one votes were cast on the twenty-third of last May for a division of the State, and but eight hundred against the ordinance of secession. He took the very same ground whenever he saw that there was a constitutional difficulty in the way, that no good whatever could be accomplished by agitating the subject then, and he, with others, voted against this proposition, and they pledged themselves to use every effort in their power to bring about a division whenever it could be accomplished. That is the ground we all took, and the published debates show it to be so."

MR. HAWXURST, of Fairfax—"Why then did you invite the Union people of the East to meet you in Convention?"

MR. CARLILE—"Why, Sir, we want you here, we are glad to have you with us; you came, however, without our invitation in the first place, allow me to say. That call as read this morning by the gentleman from Ohio (Mr. Hubbard), was a call for the Northwest, and it alone. But when you come here to participate with us we like you to do so, so long as we have a government claiming to be the government of Virginia—not only have you here that are here, but have an addition to your number."

MR. LAMB—"According to my recollection of the call, the language of the call was very different."

MR. CARLILE—"I drew that resolution with my own pen."

MR. LAMB—"I do not allude to the call for the first Convention."

MR. STUART—"Mr. President, the hour of half-past twelve has arrived, and I believe that is the hour fixed for adjournment."

MR. CARLILE—"I would be glad if I could have a few minutes to finish; it would take but a few minutes."

Several members, "Go on!" "Go on!"

General consent was given and Mr. Carlile proceeded.

"MR. PRESIDENT, my recollection of that call is as it was read; it was a call to the Northwest, drawn up by myself and adopted by one of the largest and most respectable assemblages that ever met in Harrison county, and, Sir, we took occasion to send messengers with the proceedings of that Convention into every county of the Northwest."

MR. LAMB—"I referred to the call for the June Convention. It will be found that the purpose of that call was very different."

MR. CARLILE—"I take it that that was an invitation to all loyal citizens to participate here. Reference to that call has been made and it is used as an additional argument why we should "wait!" "wait!"—"wait until it is too late for the accomplishment of our purpose. Our friends from the Eastern part of the State ask us to "wait." We have been waiting upon them ever since the 13th of last May. We called upon you then; we called upon you in June, and we call upon you now in August; and because you are not disposed to put your necks into the halter here, as some gentlemen have talked about doing—I have never talked about it—it may be for that or for some other reason, you have not heeded our call. Are we to "wait," and "wait," and "wait," until we are bound hand and foot by that same old governmental dominance, and the power has passed from our hands, and that which our people have hoped for, prayed for, worked for, be forever denied?"

Without concluding, Mr. Carlile gave way for a recess.

#### AFTERNOON SESSION.

The Convention re-assembled, and Mr. Carlile took the floor, and proceeded to finish his remarks begun in the morning session, as follows:

"Sir, nations and political communities are governed, so says every writer upon the laws of nations and every writer upon the morals that govern political communities, by interest. Interest is at the base of all political action; and if we believe it to be to our interest to sever the bonds that connect us to old Virginia we are justified in the eyes of the world. We have the highest authority for our availing ourselves of the opportunity now (I think) providentially presented to us, of obtaining that which we believe to be essential to our interests. Sir, I am enlisted in this war for the maintenance of the Union as much as any man; I will do no act, take no step that will in the slightest degree, if I know it, prejudice the Union cause in any way, shape or form; and I will say here now what I have always said that the first object, with me, is the preservation of the Union, (a member "that's it.") Satisfy me that that first object is to be enfeebled and endangered by any act now looking to a division of the State and I am with you. I make a division of the State subordinate to the maintenance of the Union. But I cannot believe that it is to come in conflict with any



effort that it is to be made by us or by any one else for the preservation of the Union; and until I have a reason assigned me, showing how it is to conflict, will I not yield the position I have taken upon this subject.

Why, Sir, I was surprised to hear gentlemen enumerate difficulty after difficulty, all of which as was well said on yesterday by my friend from this city, (Mr. Paxton) has existed and will continue to exist throughout all time, with the solitary exception of the embarrassment of the Administration in this struggle. These reasons are assigned by gentlemen who tell us that they are in favor of a division "at the proper time;" and that "proper time" is when all Virginia is represented in the Legislature, and then the time is when you never can get the consent of the Legislature. Now, Sir, I have my own views about the position of gentlemen when they tell me they are in favor of a division of the State, and say they intend to postpone it until that time; for they must know if they postpone it until then they never can get the consent of the Legislature. Then, Sir, there is an argument which I alluded to the other day and will repeat, that is a full answer to all that has been said on this question of embarrassing the government. If it is believed by the Congress of the United States that a separation of this State will embarrass the efforts making to suppress the rebellion, will they admit us as a State? Each one can put that to himself and answer. It is not worth while for us to say what Congress will do or will not do. That is all speculation. I do not think that any gentleman is authorized to speak for any deliberative body, because they very often, in a very short period of time reverse their own opinions. Now, Sir, if we act as is proposed, and provide that the sense of the people within the boundary shall be taken upon this question of a new State, and they declare for it, and the Legislature consents to it, and Congress gives its assent, why it will be [the] very best evidence in the world that gentlemen are mistaken in supposing that it will embarrass the Administration; but if Congress should withhold its consent—should it be the opinion that the Administration or the Government is to be embarrassed in the slightest degree, my word for it they will postpone action on your application. Congress will not admit you; they may not reject your application; they may let it lie over and say to you: "When the proper time arrives we will admit you," but they will not admit you now. Tell me how the

initiatory steps, the proceedings taken here, are to affect in the slightest degree the power of the government to determine this question of embarrassment for itself. That is the question I put. Answer that. Depend upon it Congress, according to its members, is just as loyal as we are. Congress will guard the interests of this Union with as much care as we can; and if our application should be made to that body for admission into the Union as a State, and they believe it will embarrass the government in the slightest degree, they will either refuse our application at once or postpone action upon it. They will take care that the public interests suffer no detriment whatever by any action we have had out here in the country, and that action is the assembling on a given day of voters in their prescribed districts to declare their wishes upon a separation of the State, and their adoption or rejection of a Constitution proposed to them to govern them if they do vote for a new State, and the action of the Legislature upon it; all of which is nothing, affects nothing, binds nobody; changes the relation of no one, affects no political organization whatever until it has obtained the assent of Congress. Such consent will not be given, we may rest assured, if gentlemen shall be found right in their predictions, and if it is found that the government is to be embarrassed in the struggle.

A word or two more, and I have done. I thrust my opinions unwarranted upon no one. I have heretofore shown that I am willing to yield the cherished principles that I have advocated with warmth and zeal. I yielded to the gentleman from Mason, and others who thought with him in the Convention of May. I yielded, as my friend knows, after doing all I could in that Convention for a separation. I am willing now, if any compromise that looks to any reasonable accomplishment of the object we, nearly all of us, profess to have at heart, can be agreed upon, to go with you. I would dislike exceedingly, I assure you, that any action of this body should go out to our people by a meagre vote. I should dislike exceedingly, that those of us who believe our people almost unanimously demand at our hands that we should provide a means by which they might be allowed to their opinions on this subject that they should be denied that expression by a bare majority of one or two. I should dislike exceedingly to have a minority go away dissatisfied, determined to make an opposition. Whatever may be our conclusions here, let us all resolve that we will support



them unanimously; and if we have the good luck to beat you by two or three votes, which I think we will, just come in as we do, you know, when we want to elect our party candidates, and make it unanimous."

MR. SMITH, of Marion—"And you won't go away and break up the government?"

MR. CARLILE—"No, Sir."

MR. VAN WINKLE—"You will do it if you agitate this subject."

MR. CARLILE—"Why, Sir, how can that be? This question is agitated all the time; it has been agitated for a long while."

MR. BURDETT—"Yes, for thirty years."

MR. CARLILE—"Yes, Sir, and you may say "down!" "down!" But, gentlemen, it will not go down. It will be agitated. It is a question, Sir, as was stated by one of my colleagues (Mr. Lewis) yesterday, that has been looked to and expected from the foundation of our government. It was predicted, as we were told by one of the brightest lights in the Convention which formed our first Constitution, that this part of the State would not submit to a continuance of its connection with the rest of the State. Why, take the map of Virginia and look at it, and you will see at once, that this is an unnatural connection, and works injuriously to the interests of the people thus connected; and upon that great rule, that all political communities will do that which best promotes their interests, they say this separation will have had. You cannot affect the government at Wheeling. It is by that government that we expect to get the separation, Sir; we cannot turn our backs upon it."

MR. VAN WINKLE—"You will bring it into contempt."

MR. CARLILE—"Sir, you cannot bring a government into contempt while my friend from Wood is a member of it. (Laughter.) No man ever brought himself into contempt, except by his own misconduct; and no government can but by the same. But, Sir, I will tell you what will bring it and every one into contempt—weakness in its knees. Scarcity of funds, Sir, will bring it into a position where contempt might reach it. How are you going to get funds? Thus far we have been fortunate. The great Democratic party has conferred upon us a boon by refusing in our State to take the share of the public proceeds of public lands, which belong to us under the act of 1841. (Laughter.) We eagerly jumped at it, Sir, and it has been the means of supplying our empty treasury; but in consequence of the many drafts which are

made upon it, it is fast dwindling away; and if we stay here much longer, the forty-one thousand dollars will be entirely gone.” (Laughter.)

MR. HAWXHURST, of Fairfax—“If we of the East are to be cut off, will the gentleman tell me how we are to get our share of it?”

MR. CARLILE—“Why, take it out in \$4 a day mileage, as the member from Fairfax is doing now. (Laughter.) As long as you remain in Virginia you throw into market your Virginia bonds at a nominal value of about forty or fifty cents; but divide the State, and your bonds will go into market at par, and you will have the funds necessary not only to pay us in legislative assemblies, but to improve our country and to start the iron horse snorting through all these hills. (Applause and laughter.) Sir, that is a question I have looked at from the beginning. No government ever was respectable, no government ever will be respectable without money, and very few men, I think. (Laughter.) That has been the cause of my want of respectability all my life. (Laughter). And, Sir, I appreciate it, I have felt it, I know it, and therefore, while I may, as an individual, lack the respectability that funds would give me, yet, as a member of a State, with plenty of money, I may feel at least that I have political respectability. Now, Sir, how are you to get the money—where is it to come from, that is to grace this Wheeling government? Echo answers, where, But, Sir, take these steps, if your people really do, as we believe they do, desire a division and will vote for it, and the Congress of the United States admits you, you start upon a new career, unembarrassed by debt. For, Sir, when ever there is a settlement made between this portion of the State and the residue, and a correct balance struck, it is in our favor.

MR. VAN WINKLE—“Does the gentleman mean to say that by separating we get rid of the debt?”

MR. CARLILE—“I say whenever we divide this State, and settle this question of debt and there is a correct balance struck, we will bring the other side in debt, that is what I say.”

MR. SMITH, of Marion—“How is it to be settled?”

MR. CARLILE—“That, Sir, is to be left for yourself and other eminent gentlemen who will be in the future legislative assemblies of Virginia to determine. (Laughter.) “Sufficient unto the day is the evil thereof.” It will be time enough to consider this matter when the time for considering it arrives. The subject of this



settlement is to be a subject for gentlemen who are to fill the legislative halls of a new State.

But, Sir, instead of embarrassing the Government by this movement, I maintain it would relieve it to a very great degree, and how? If we had a defined line to defend, all we would have to do would be to put our military there. But, Sir, where have we any definite boundary to protect? Tell me the definite boundary we have to protect. With 20,000 or 30,000 Government troops today in our midst, they are scattered from county to county, with no force capable of resisting anything like an armed force brought against us. Give us a line; and the line we propose for the new State that we will have to defend is only the line that divides us from the rest of the State, and if there are "loyal hearts" they will soon be able, with the advancing march of the Federal Army to save us all trouble of protecting it. Then we shall have a definite boundary which alone we could call upon the Federal Government to aid us in protecting, for we will rely upon the brave hearts and strong arms of our loyal citizens to protect us against secessionists in our midst. For, Sir, once get that line established, those of them who are disposed to give us trouble will "leave their country for their country's good" but so long as they are here, encouraged and assured by the presence of the Confederate Army within our limits, so long will they prove a thorn in our side, and so long will they resist successfully the operation of our Wheeling government. There is an advantage which it seems to me we would derive from this separation, that nothing can give us. With a defined line beyond which secession forces dare not approach without violating the "sacred soil" and sovereignty of a free and independent State, we could defend it with fewer Federal troops and less of the Government's money than it will take to suppress an indiscriminate rebellion, and protect indiscriminately a population scattered all over this section of the State. There is another argument, Sir; it will relieve the Confederate forces from all obligation they feel to protect their own soil. Once let them see that this portion of Virginia is beyond their grasp; once let them see that this is a separate and independent political community, a State to themselves, recognized as such, they may in the language of Wise, be willing to let the "disgraced Northwest" go, and take their armies where they may be wanted more for home protection of secession than they are in this region. There will be no longer

what I may call an honorable obligation resting upon the State to protect its soil, because that soil will be no longer hers, and we may in this way relieve our people from these secession armies in their midst. And we can confidently tell them "beyond this line you cannot and dare not come.

These may be all insufficient reasons, but they are some of the reasons that induced me to advocate the proposition now under consideration. I shall, as I remarked, however, bow to the decision of a majority of this body, and I will go as far as he who goes furthest to suppress anything like a revolutionary movement. We hope by fair argument, we hope by holding up before you the honest wishes of the people, we hope by appealing to all that we think should influence and govern men in a representative capacity, to obtain the sanction of this body to the proposition now under consideration, which is not a proposition to divide the State, which I repeat works nothing, effects nothing, changes no relation on earth until it has the assent of the Congress of the United States who will judge the propriety of giving or withholding their consent.

Now, Sir, I desire to notice a remark made in relation to what I said the other day, that a new State would deprive me—"

MR. STUART (interrupting)—"Mr. President, I must insist on an adjournment; it is now within a few minutes of one o'clock, which is dinner time for most of us, and we have to be back here at half-past two."

MR. CARLILE—"I will forbear willingly, and thank the Convention for having indulged me so long already."

The Convention took a recess, and on its re-assembling at half-past two, Mr. Carlile took the floor and concluded his remarks as follows:

"MR. PRESIDENT, the great argument, the main argument, and the one that seems to be relied upon by all who have opposed this measure publicly, is the embarrassment to the Administration in consequence of our government here not extending itself over other portions of the State. Now, with all kindness and with all respect for our friends who like myself are filling offices under this government, I would say according to my view, it would be a little more modest, to say the least of it, in us allowing the loyal citizens of Eastern Virginia whenever the armies of the United States allow them to do so, to select for themselves their own governmental



officers, and not for us by virtue of our power to spread over them our own. It is a fact well known, Sir, that only those who have been represented in the Convention here, and in the Legislature had a voice in the selection of any of these officers. Therefore, I repeat again I cannot see how our action is to embarrass the Federal Government in restoring the former government to the loyal people of Eastern Virginia unless it is to be done without the consent of the people who are to be governed and without allowing them to determine who shall be their officers under the government, or unless it is presumed that we will have the military power to govern them by mere force, which I presume no one desires or would advocate.

Then, Sir, without delaying the Convention longer, I think I have successfully met the main argument of the opposition to this measure. I meet it first by showing there can be nothing in it, for nothing we can do affects or changes our relations in the slightest degree to the people of the Union or the people of the State. All that we do is initiatory, and is void, and can be of no effect, unless consented to by Congress. If consented to by Congress, it is the best evidence in the world that the government will not be embarrassed by our action.—They have full and entire control over the whole subject, and we all know that if Congress should suppose for an instant that the legalizing, acknowledging and recognizing of our action would embarrass the Administration, they would refuse to do so.

Then I show, I think, conclusively, and beyond doubt, that there can be no government restored to the people of Eastern Virginia only by and through the action of the loyal people of that portion of the State. They must act, and then the government that is restored to them is a government of the people—a government deriving all its vitality, its existence, its being, from the action of the people. The government that we would thrust upon them without their expression and their action, would be as perfect a tyranny as could be established over any people. Therefore, I take it, it is not contemplated by the opponents of this measure that even if we remain as we are, one State, with no government but ours that we have restored and organized here, it shall not be extended over them without the action of the loyal citizens of Eastern Virginia, and they can just as well restore their former Government for themselves without having our Governor and Council,

as they can with them. Therefore, I cannot for the life of me—it may be because I am unable to understand—I cannot see the force of the arguments that have been used.

But, Sir, I desire again to call attention to the important point, and I want the question answered, if we continue as we are, if the loyal citizens of the eastern portion of the State cannot be relieved by December next, where is the money to come from that is to supply the treasury? Does my friend from Fairfax, who wants his “share” of the public money—does his county contribute anything towards the expense of this government? How much has it paid into our treasury? How much does he suppose it will, until the armies of the country have relieved his people? How much has been contributed by those living east of the mountains toward the expenditures that have already been incurred, and how much do we expect will be contributed towards those to be hereafter met? I say not this by way of reproach, but of sorrow. It is because of the inability of those who we say are devoted to the Union, to do so; they have been prevented from doing it; and we have not the power of ourselves to relieve them. If relieved at all, they must be relieved by the Federal power, and by our taking action here which will relieve to a small degree the Federal army and will enable it to retain in our midst a less force than will be otherwise required. We to that extent early contribute to the realization of the hopes of our loyal friends east of the mountains.

But we are met with the question how is this debt to be apportioned and settled? It is a sufficient answer at any and all times to say that it is to be met whenever a division takes place, and if there is any argument in the question at all, if anything is to be inferred by its use, it is an argument against a division for all time and under all circumstances; for whenever it takes place it must be met. But, Sir, I will say that if there could be no other way of meeting it we could meet it by buying up every dollar of it ourselves. If we had a separate State existence we could issue our bonds in the market and command fifteen millions of money tomorrow; and if our bonds can now be bought up at thirty cents on the dollar, as a gentleman of this city informs me, less than fifteen millions would pay the forty-six millions which Virginia owed prior to the first of January last. But there is no necessity for this. The question of an equitable assumption can be met just



as well today as it can be a hundred years hence, if those who come after us are found as we are, struggling for this separation.

Give us, then, the position designed for us. Let us avail ourselves of this opportunity. There is no reason in morals, and there is no reason in law, why we should not avail ourselves of it. There has never been a time before, in my humble judgment, when it could be accomplished, and I think it extremely doubtful if there ever will be again, when it can be accomplished peacefully, constitutionally and legally. Now is the day and now is the hour. "There is a tide in the affairs of" peoples as well as the affairs of "men," which taken at the flood leads on to fortune." That tide is flowing for us. Let us avail ourselves of it. Let not the golden moments pass by, for they may never return. Let us all sacrifice all of personal pride and personal feeling and private opinion we may have entertained. Let it all go as the veriest dust; let it be thrown to the winds of heaven, and let us bring to the altar of our common country all the patriotism and all the wisdom that is within us. I repeat, Sir, there is no difference of sentiment among the members of this body, or among our constituents, as to the support we should give the cause of the Union. Its flag we will maintain and uphold, and we can better do this with a separate existence than we can now, embarrassed as we are at every step we take by the innumerable burdens that are weighing upon us so long as we remain in this State."

MR. CARLILE then proceeded to reply to charges of sympathy with secession made by Mr. Polsley against Senator Johnson, of Missouri, after which he concluded his remarks, as follows:

"MR. PRESIDENT; with the evidences which we have of the desire on the part of the people to be heard upon this question, whether it be a majority or a minority, I think it is as little as we can do as representatives professing obedience to the will of that people, to give them an opportunity to be heard at the ballot-box upon this subject. This is all we propose; all we ask; all we will be pledged to by any action of our own; and, Sir, that we may not be here an indeterminable length of time, and that this thing may close one way or the other, I would suggest to the friends of this measure, that we sit here and patiently vote down all the motions to adjourn until a vote is had on this question. I have spent many a night in similar bodies, and I think it is the only way in which an end can sometimes be reached. I am perfectly willing to sit here un-

til the sun rises tomorrow, and for one, I shall vote against all adjournment until a vote is taken upon this subject."

MR. STUART followed, and in the course of his remarks said he wanted it distinctly understood that he was in favor of a division of the State, and he had believed and urged that it should take place at the time of the Constitutional Convention of 1850. But we as a people are here reorganizing our Government interests. We have an honor to maintain. Everything else sinks into significance compared to the great object of maintaining the Union and the Government of the United States. What was Northwestern Virginia without the Union? If their action here was likely to injure the cause of the Union, could not they hesitate before they took any such action? He said the friends of division urged the measure, lest the debt of the State contracted by the usurpers at Richmond should be fixed upon them. Was it to be supposed that they would have anything to do with the debt contracted by a rebellious people which the Government was now putting down? He knew there were true men in the eastern part of the State. He had seen them shed tears in the Richmond Convention when the ordinance was passed and he did not desire to cut loose from such men as these. He protested against such selfish action.

But he professed to be a constitutional man, and he prayed them not to be the first to trample the constitution under foot, and appealed to them, what was the spirit of the provision of the constitution in relation to the formation of new States, which he quoted? Did they believe that this contemplated that two-thirds of a State should cut loose from the remaining State by an arbitrary majority and leave that third to maintain their government as best they might? It was contrary to all ideas of justice in governments. And if two-thirds could not do so how could one-fourth of a State force a division without the consent of the remainder of a State? The gentleman had asked for a reason for not taking immediate action. That reason was that we cannot comply with the requirements of the constitution of the United States. Certain influences had been brought to bear here that he had not anticipated. That influence was his friend from Harrison. In the May Convention he was in favor of a division. On the 13th of June he found him opposing a division of the State at that time, and urging that the primary object of this movement was to restore Virginia to the Union. Now we find him turning around and urging a division.



Why was it that gentlemen were so changeable? His argument was that in the first of this session there was no Legislature. Was there any in May, when he wanted a division? But it was necessary to obtain the consent of the Legislature; he would say that it was not yet obtained. The gentleman from Harrison (Mr. Lewis) wanted the State divided so as to get back to the old representative form of government. Well, Sir, this was a representative government. He had been sent here by constituents, who so regarded it. But they didn't send him here to divide the State; it was to aid in putting down rebellion. In canvassing before his constituents he had made this and the support of the government the great question, and had ignored the question of a division because he believed it would result in dividing our people among themselves. He did not stand here to dissent from his constituents, and if any man would convince him that his people wanted him to take hasty action he would go with the advocates of division. But he wanted first, before he did such a thing, to go back to his constituents for instruction.

He alluded to the assertion of Mr. Lewis, that an equitable settlement would show that the West did not owe the East one dollar.

He animadverted severely upon the suggestion made by Mr. Carlile, that with the bonds of the New State, Virginia bonds could be bought at from 30 to 40 cents. Should they thus swindle the people who had come here to protect and defend our people from the hordes of secession? No, Sir. He hoped the gentleman would never mention the suggestion again. He alluded to a remark of Mr. Lewis in relation to treason against the State, that he believed it would even be treason to petition for a division of the State. The Constitution of the United States was above any statute of any State, and the right of petition on any subject was one that was and must be inviolate. He had always contended, and always should, that the people of Northwestern Virginia had the right of petitioning for a division of the State, or for any other object. With regard to taking advantage of the circumstances which gentlemen styled "providential," that was another argument which he placed in the same category with the proposition of buying up our own State debts.

Why was it that all the secessionists in his section of the country were now clamoring for State division?

MR. LEWIS replied that he believed it was because they regarded

that the vote given upon that question was a manifestation of the views of the people upon a division of the State, and they were willing to acquiesce in the majority.

MR. STUART said that acquiescing and advocating was a very different thing.

MR. CATHER said in his part of the country they had understood from that vote, that a majority here were in favor of the Constitution of the United States, and by dividing the State, and the formation of the new State, they would have a good excuse for submitting to this majority.

MR. STUART believed notwithstanding the explanations that the secessionists were doing this because they believed it was a measure that would involve us in difficulties and dangers.

He again attacked the position of the gentleman from Harrison (Mr. Lewis) and read that gentleman's card published last May in regard to the movement just then inaugurated. And he paused before he could consent to be led by a gentleman who held as Mr. Lewis then did that he owed an allegiance to the United States subordinate to that due to the State. He argued against any such doctrine and said it was the doctrine of secession. Now, Sir, these gentlemen were advocating the doctrine of secession—the right of one-fourth to secede from the remaining portion of the State and break up their State government without the consent of the rest of the State. This argument that two peoples who were not quite homogeneous in interest with each other, should strike by force, if need be, for a separation was but another form of the “irrepressible conflict,” thrust upon them by the villains at the North—the Abolitionists: though by that term he did not mean the Republican party. He reviewed a position taken by Mr. Carlile in a speech delivered some days ago that it was impossible ever to have commercial intercourse with the East, and wanted to know why he wanted to exclude the counties in the Kanawha Valley, which were to all intents and purposes identical in interests with ourselves. He believed if the State was ever to be divided, and he should vote for it at the proper time, the mountains should be the boundary.

MR. CARLILE explained that the proposition was substantially Mr. Farnsworth's; he had only changed it in one or two respects, and not at all in respect of boundary, except to cut out one county.



MR. STUART proceeded to criticise other provisions of the proposition of Mr. Carlile, particularly that in relation to the adjustment of the State debt. The West had no right to cast up an adjustment of the debt, and then tell the bondholders they may look to the remainder of the State. They had assumed a position that entitled them to the sympathy of the whole United States, and of the world, but if they did this, as here proposed, it would be both wrong and disgraceful. The gentleman from Harrison seemed to think that an imaginary line would be all the defence we would want, and that the people of the East could go on and erect a government, as we have done. How would the General Government ever provide for law and order there, if they should be left without any government at all. He depicted the situation of Union men in that part of the State, and said this would cut them off and give them over to the rebellion authorities, and they would have nothing at all around which to rally.

MR. FARNSWORTH succeeded, and as he had had the honor of presenting a substitute upon this question, he claimed the right of saying a few words.

He had never heard such a tirade of abuse as had here been launched at the advocates of a division. He had never been so much puzzled in his life, as to tell what was the argument of the gentleman from Doddridge, and his reason for wishing to delay action.

He proceeded to review Mr. Stuart's argument, and said that that gentleman had confessed that he did not know the sentiments of the Union men of his section but he did seem to know all about the secessionists there.

He charged upon a portion of the gentlemen opposing immediate action that they were opposed to the formation of a new State altogether. Two of the members had told him they were, and they were found acting with the gentleman who professed to be in favor of a new State, and were now opposing what they were pleased to call "precipitate action."

It had been claimed on this floor that one of the great objects had been to get into a condition to legally and constitutionally take these steps. That was the argument of the gentleman from Wood. If they were not now in such a situation they never would be. He recapitulated the different steps that had been taken to make this a legitimate government. And they were not to be prejudiced by

the rebellion in Eastern Virginia. They were not to suffer because the rebels there had done wrong.

He took the bold ground that the Government could not refuse them admission into a new State if the application were properly made. It was a right they had under their State Constitution, with the assent of their Legislature to demand admission. The argument that because they were formed into a new State they could not be loyal, was the weakest he had ever heard; and if the success of the General Government depended on denying the rights of the people of Western Virginia, then its success hung on a brittle thread, and that was already snapping. But the government was high above such position as this. She was contending for constitutional liberty, and we contending with her for the same. He replied to several arguments advanced by Mr. Van Winkle, of Wood, and to the objection that they should wait; he told them that if they let this opportunity pass they never would get a division. It was taking no advantage of the East. They had refused to join us, and should we suffer because of their refusal? Suppose they did wait, and Virginia should give us their consent, and we should tell them they would be without any form of government, they would laugh us to scorn—for they would still have all the rights they ever had and the same constitution they have now.

Besides there was a settlement with them that must be made, and separating from them will not aggravate the case in the least. He was for making all that settlement at once.

As to boundary, he would like to have the boundary run with the mountains, but at this time perhaps, that boundary could not be had. Only give them a State composed of such counties as those named in his proposition, and it would vie with any other State in the Union. He was opposed to taking in any counties at this time that would have to be coerced into measures. They could at any time adopt an ordinance making provision for their admission.

MR. LAMB moved that to-morrow afternoon at three o'clock the floor be given to Chairman of the Committee on Division of the State, and that the debate be closed at five o'clock, and that the Convention then proceed to vote in order upon the various propositions with such amendments as may be offered before the Convention.



MR. CALDWELL moved to amend the resolution so as to close the debate at half after 11 A. M.

MR. CARLILE did not, as he had had opportunity of discussion, desire to deprive others of the same opportunity.

MR. LAMB withdrew the resolution, and offered another extending the time to Monday, which was, upon the motion of Mr. Caldwell, laid upon the table for the present.

The Convention then took a recess till half-past 7 o'clock.

#### THE NIGHT SESSION.

The Convention met at half-past seven.

MR. LAMB obtained the floor and delivered a strong logical, forcible argument against action towards a division of the State. He spoke as follows:

“Mr. President:—

“I had not intended to address this house on the subject of a division of the State. So much has already been said upon that subject that I thought it might only serve further to weary the members of this body. But, Sir, it is a matter of too deep importance to us all for me to omit giving utterance to some considerations, which I think ought to influence the members of this Convention in their discussion of so momentous a question.

“Mr. President, let me say in the outset *that I am for a separation of this State when it can be done at the proper time and in the proper manner.* In that division, however, I should insist upon, at least, obtaining the line of the Alleghenies or the line of the Blue Ridge—the latter if it was to be had—if not, the Alleghenies extending down, at least, as far as Kanawha. With the amount of population which we possess, with the amount of revenue which can be commanded in this district of country, it is essential, I think, that we should have our position capable of easy military defense, in order that we may occupy a respectable position in the family of States. It will be necessary for the purpose of the argument which I propose to make, to glance for a moment, and very briefly, at the reasons which I think would render a separation from Eastern Virginia desirable to us all.

We have long suffered, Mr. President, from the misrule of the Eastern section of the State. They have repeatedly denied us our proper share of representation in our legislature—they have subjected us to an unequal and unjust system of taxation for the protection, as far as possible, from the burden of State service, of

their own property. In the distribution of the expenditure of that taxation they have endeavored to encourage the prosperity of their own section of the State, and have left the West without any participation in the benefit of that expenditure. We are in fact, Mr. President, a different people. Our social habits are different. Our commercial relations are not with Eastern Virginia. The productions of our soil and our workshops do not go in that direction; nor do we purchase the articles which we want from the cities of Eastern Virginia. Every consideration which can be addressed to the wisdom of a statesman, would demand a separation at the proper time and in the proper manner. I am as deeply sensible of this, as firmly convinced of this, as resolutely determined on effecting that separation, as any gentleman who will vote upon the other side of this question.

But, Sirs, that separation should be effected at the proper time and in the proper manner. It is when we could command such a boundary as our new State ought to have. It should take place only when a full and free and fair expression of the opinion of the people could be had throughout all the limits of the new State. When these conditions can be complied with, I am ready to go into the measure; and they cannot be complied with in the midst of confusion and civil war. They cannot be complied with at present, and I see in the agitation of this question, in the heat with which members are disposed to hurry forward this measure at present, nothing but that which precedes misfortune to Northwestern Virginia.

Mr. President, it is not sixty days since our present form of government was inaugurated. Our Governor was elected on the 20th of June; it is now the 16th of August, and we are already seeking to overthrow all that was then established. Already we would change all that was then fixed and determined upon. Already we would uproot the government which we had established from its foundation, and start off in pursuit of a new scheme—a new experiment, for experiment it is in such times as these.

This disposition, Mr. President, to be continually changing great fundamental institutions, is one which can lead to nothing but misfortune. We are proceeding more rapidly in this course than the zealots of the French Revolution, for their constitutions and their fundamental systems of government at least lasted sixty days. How long will it be, if this spirit is to be encouraged, before some



new scheme will be started upon which men may excite the passions and prejudices of the people, for the purpose of riding into power or office? I would impute no such motives to any man here. With their motives I have no concern. But this disposition shown here, to have something new—some great change—before we have even tried the system which we have adopted, is to my mind, one of the worst signs of the times. Why is it, Mr. President? Why this disposition to precipitate? Why this hot haste in reference to this measure? Are we subject now to the control of Eastern Virginia? Are her tax gatherers amongst us now? Are our people to be transferred into Eastern Virginia? Is she now contracting debts which we are to pay? No, Sir! As a matter of fact, whatever the theory may be of the separation which gentlemen demand—the separation which they are so anxious for at this present moment,—practically we are perfectly independent now of Eastern Virginia. She has no control over us. The misrule which she has exercised over us so long, she exercises over us no longer. We have no present evil here that it is necessary for us to rouse ourselves in order to shake off. It is not for the purpose, then, of getting rid of an evil under which we are now at this present moment suffering; but it is because gentlemen apprehend there can be no other reason—that in some mode or other we are to be subjugated again to this rule. If there is danger, Mr. President, that, at some future day, we may be again subject to the misrule and misgovernment of Eastern Virginia, when that danger is imminent I will be ready to meet it. But I would not destroy our efficiency in the great work of maintaining the Union until that danger was upon us—until it became necessary to act, to act resolutely and to act decidedly in order to avert it.

There are two modes in which we may again be subjected to the government of Eastern Virginia. Let us consider them for a moment. The United States government, which I do not for a moment believe can ever be the case, may be unable to maintain itself and defend us, and we may be again subjected, by force of arms, to the Confederate States. If this is the danger that gentlemen apprehend—if this is the way we are again to be subjected to the oppression of our brethren of Eastern Virginia, let me ask them will their paper constitution, or the red lines they draw across the map to define the boundaries of the new State, protect them from the arms of General Beauregard or General Lee? Is there any protec-

tion to the measure which is now proposed to us against such an apprehension? Certainly gentlemen will not suppose for a moment that there is. If this is their apprehension, they derive no protection from having marked out the lines of a new State upon the map. But the United States may succeed, as I believe they will. The arms of the United States, I have no doubt, will be successful in this contest. Twenty-one millions of freemen against five or six millions, and a proportional property in favor of the former, infinitely greater than that against it, must succeed in the end, if they are determined and resolute in the contest. Then as they succeed, as the secession pressure is taken off from county after county of the other portions of Virginia, they may unite with this government; and gentlemen suppose that when they do so unite they will join in refusing us a separation of the State. I do not believe it for a moment. As was said by the gentleman from Harrison, (Mr. Carlile) who addressed us today, it is an unnatural connection. "Any one," to use his own strong expression, "with the ideas of a goose" could see that this connection could not be maintained. Can he suppose that the people of Eastern Virginia—the Union men of Eastern Virginia—the men who will be our brethren in this contest, and who, if the United States government succeeds, will outlive the State government—can he suppose for a moment they will deny to their brethren, the Union men in the West, the right to dis sever a connection, which, it must be as apparent to them as to us, is entirely unnatural. But if they were disposed to do so, we will have plenty of opportunities to bring up this question, before all of Eastern Virginia is represented in our legislature. The progress of the arms of the United States will be gradual. We will be able to foresee and know the time when all Eastern Virginia can come in, and we can then act, if there is, which I believe there is not, the slightest danger of their over-riding us, in regard to a question of this kind.

Let us suppose, Mr. President, however, that you have established your new State government. The first clause of this ordinance proposed by the gentleman from Harrison (Mr. Carlile,) and which I suppose is to be the doctrine, reads as follows:

"Be it ordained by the people of Virginia, in Convention assembled, That the new State be formed and erected out of the territory included within the following bounds."

Let us suppose that new State formed. As a matter of course,



the present government of the State of Virginia is superseded—that government of the State of Virginia, which has been acknowledged by the Executive of the United States, which has been acknowledged by the Congress of the United States, is superseded, The very passage of that ordinance practically will supersede it, because from the time that this Convention announces that another government is to be formed, who will regard or obey the present government? Its prestige throughout the counties over which it has heretofore exercised its authority will be gone.

Then, Mr. President, to carry out the plan of the administration, if the arms of the United States are to succeed in Eastern Virginia, a new State government is to be formed there. As secessionism is put down in district after district of the State, the counties of Eastern Virginia are to be furnished again with a “constitutional nucleus,” around which they can rally the support of the Union. Your government—the government of the State of Virginia—the government acknowledged by all the authorities of the United States is out of the way. What sort of a government will be formed in the East? Necessarily a government to represent the State of Virginia. Your new State will yet be unrecognized. Congress will not have acted in reference to it. And the Executive will not have acted in reference to it. And they cannot act in reference to it; for carrying out the great plan in bringing back the State of Virginia into the Union, they must, as expressed in a letter from the Attorney General, read to this Convention, have “a constitutional nucleus, around which the shattered elements of the Union throughout the States can rally.” You have here, then, and I take it, it is the necessary result of the action which this Convention is urged to take upon itself—another State government for the State of Virginia organized in the East. As the arms of the United States government may succeed in restoring the Union sentiment, throughout that section of country, this government will extend itself gradually over the whole of the East. It will be the government which the United States will recognize. It will be the government which Congress and the Executive will recognize, and it will be again what we now have—the legal government of the State of Virginia. If that is to be the result—if there is any apprehension that such a state of things will exist—will these men in the East then regard our ordinances? You have superseded your old government, which the United

States has recognized, which has become the legal government of the State, and your new government has no such claims. It is nothing in fact—it is nothing in truth—it is nothing in law—until it is recognized by the government of the United States. If they establish their government in the East as they must do, and bring back Eastern Virginia into the Union with that Eastern Government, when it is spread over the East—when it has brought in all those counties lying east of the Blue Ridge, and all the counties of the Valley, what respect will it pay to your ordinances and to such lines as you have marked out for the new State? What respect will they be bound to pay in regard to it? As the State of Virginia, they will have again that very control over you of which, justly, you have so much complained. And when they send their tax gatherers here to gather up your taxes and substance again, if they are resisted by domestic violence, recollect that the Constitution of the United States requires—makes it imperative on the general Government, to protect that government which they have recognized, as the State government of Virginia, against domestic violence. I see, gentlemen, even in the success of the measure—which you here propose to us—quite as much cause for apprehension that Eastern Virginia may again extend her influence, her control, her domination over us. That domination which, as ever, I do heartily detest—that she may again extend them over us—quite as much danger as there is in waiting until you can have a full and fair expression of opinion throughout the boundaries which you intend to designate for your new State.

If there were no other considerations, however, supposing that all I have addressed to this Convention were entitled to no weight, certainly it is entitled to some weight that we should not go to work to effect these great changes amid the confusion and danger that surround us. It is a fact, Mr. President, which no one on the opposite side has denied, as asserted by the gentleman from Mason (Mr. Polsley,) who addressed this Convention, that you cannot now, within the boundaries of the State proposed by the substitute of the gentleman from Harrison (Mr. Carlile) have a full and fair expression of one-half of the people. It is a fact that within the boundaries proposed by the report of the majority of the Committee, you cannot now have a fair and full expression of one-fourth of the people upon any subject. Is this not, Mr. President, some reason why we should not hurry inconsiderately,



hastily, recklessly, into this subject? Is there not an obvious propriety—if it be possible to secure our object—in waiting, at least, until the matter can be thoroughly submitted and fairly acted upon, by the people in whose name we profess to act? By the people whom we profess to bind by our action here? And, gentlemen, we are not only to include them within the boundaries of our new State, but we are to go to work and fix up a constitution for them. We are to fix up a constitution for the people of Jefferson and Morgan and Berkeley and Hampshire and Hardy, and for the people of Boone and Logan and Nicholas, and I know not how many other counties. Will my friend from Upshur, who has proposed this substitute for our adoption, undertake to carry that Constitution into these counties, before the first Thursday of November next, or the fourth Thursday of October next, and explain its provisions to them, and explain why we took this action or that action—why we adopted this provision or that provision?

The report of the Chairman of the majority Committee proposes to extend the boundaries of the New State to Bull Run. Will the chairman of that Committee undertake to explain to the inhabitants along that Run this constitution which he proposes to adopt for them—to discuss the matter in public meetings there, and secure us a full and fair expression of the people in the county of Fairfax?

MR. WEST—"I think it will be recollected, Sir, that there has already been a vote taken upon the Constitution. I proposed that Constitution myself, that we might have some ground or place of beginning, and I propose that we take a vote upon the adoption of the old Constitution. And the Constitution as it now stands, with some slight amendments, will be the Constitution of the new State. As to the other questions in relation to boundaries, etc., I will explain them perhaps at another time."

MR. LAMB—"When the gentleman proposes to make that explanation, he should also explain another position of his opening argument, which struck me as singularly inappropriate. He stated in his opening argument that they had included the county of Fairfax and the city of Alexandria, within the limits of the new State which the majority of the Committee proposed to form, with a view of thus furnishing protection to the capital of the Union, against the hosts that are now assembled at Bull Run."

MR. WEST—"Does the gentleman ask me to explain that now?"

MR. LAMB—"Mr. President, there has been a good deal of argument of this same kind before this Convention. We have been told—the argument, of course, has been inconsiderately urged—that this thing of establishing a new State was to be a perfect protection to us here against the dangers that surround us. That it would protect us against the arms of the enemy—that it would be equal to an army in the field. Another gentleman who has addressed the Convention would seem to have considered the action of this Convention if they passed his project to be equivalent to the glorious efforts of William Tell for the defense of his country. Why, Sir, did William Tell defend Switzerland by proclaiming that the boundary was here, and giving notice to the Duke of Austria that he must not go across those lines?—No, Sir: Your lives and your property are not to be defended by measures of this kind. Nothing but stout hearts and strong arms will defend them. They are to be defended by the rifle and the bayonet, and the cannon. Your paper Constitution and your paper State will not be worth a single musket in defense.

Mr. President, the new State as proposed in the substitute last offered will have a population of less than three hundred and twenty thousand. It will have a revenue of about \$550,000.00. This will be the utmost extent for many years to come, a much larger extent in fact than you will be able to extend your taxation to. Yet the gentleman from Harrison (Mr. Carlile,) who addressed the Convention today, told you, form your new State and you could at once get a loan of \$15,000,000.00 without any difficulty. Is it possible that this Convention is to be amused here with assertions of this kind? Why, Sir, your whole revenue will hardly pay the interest on one-half the amount. Deduct the necessary expense of your government, and it would not pay the interest on one-fourth that amount. The whole revenue of your new State will enable you to support in the field an army of about 7,000 men—not a soldier more for the defense of so wide an extended frontier as it will present. Yet, gentlemen, this is the measure into which we are to be precipitated and hurried on without consideration. With the gentleman from Mason, I must say. "reflect; reflect;" before you plunge into such a system; reflect before you abandon the lofty position which you now occupy, in pursuit of this *ignus fatuus* of which so large promises have been made but of which so



little is to be expected. Why, gentlemen, measure the boundaries of your new State as laid down in this document? You propose a frontier of over a thousand miles. Pennsylvania, with a population of 2,800,000, has a frontier of less than a thousand; Ohio with a population of 2,300,000 has a frontier of less than a thousand; yet with a population of under 320,000 and an ability to support in the field an army of only 7,000 men, you have a frontier to defend of a thousand miles. Four hundred miles of that frontier borders upon secession Virginia. How will you defend it? If any defense should be necessary, if this Union is not to be restored, how will you defend that frontier? Why, gentlemen, an army of 100,000 men and a revenue of eighty millions will be required to defend the frontier. And yet, you abandon the passes of the mountains. You are not willing to wait until you can secure Pocahontas and Greenbrier. You give up the main passes of the Alleghenies, leaving your frontier, according to the military expression, entirely in the air. If the arms of the United States do not succeed in this contest, and if the Confederate States are to be able to maintain themselves, you present to them a frontier, unsupported by natural defenses, of four hundred miles. You will have a State, if you accomplish your object, weak, continually relying on its neighbors for support, for existence itself. You will have a people who must always call upon their neighbors—heretofore nobly have they responded to such calls—for the defense of our fireside, our homes, and our property.

I wish to correct here a mistake into which the gentleman from Harrison (Mr. Lewis,) who addressed the Convention yesterday, fell in regard to the character of the government which has been instituted here. He called it "a provisional government," he seemed to think it was to expire, according to the system which we have adopted, within six months. This, Mr. President, is not the system which we have adopted. It is true, Sir, when this Convention met in June, it was impossible to have throughout the counties of Northwestern Virginia an election for Governor. The Convention, from the dictates of an imperative necessity, were obliged to assume the responsibility of electing a Governor themselves. That far we interfered with the rights of popular sovereignty, but we trusted to our constituents to excuse us for that interference on account of the necessities, the difficulties, the vast embarrassments, with which we were surrounded. They unanimously approved of our course.—

Throughout the whole length and breadth of this land our action in June has been approved of; approved of by the government of the United States; approved of by the loyal men of the loyal States everywhere. We were fully justified, therefore, in doing it. But, Sir, having elected a Governor in this irregular—and except so far as it was justified by the circumstances with which we are surrounded—unjustifiable mode, we prescribed six months for his term of office. Yet, Sir, we went on here to enact as follows:

“The General Assembly to provide by law for the election of Governor and Lieutenant-Governor by the people, as soon as in their judgment such election can be properly held.”

The office of Governor under the reorganized government, is not to terminate at the end of six [months], at least according to the ordinance for the reorganization of that government. An express provision is made for its continuance, and for its continuance in a regular manner by election by the people whenever in the opinion of the Legislature such election can be properly held. And I would ask attention for one moment to the expression in this clause. The Convention did not *recommend* this to the Legislature; they did not *request* the Legislature to do it; but they are, in the language which is used here, *required* to do it. Then, Mr. President, look at the provision in regard to members of the Legislature. “They shall hold their offices from the passage of this ordinance until the end of the terms for which they were respectively elected.” The members of the House of Delegates under this system, hold their offices until 1863, and a portion of the Senators until 1865. When the terms of those officers expire, if this system is to be continued, their successors will be elected in the regular way. In no proper sense of the term, therefore, is this merely a provisional government, for a provisional government, I take it, is a government which fixes in the very charter of its creation a period beyond which it is not to continue. I would wish, also, in connection with this same matter, to correct a singular mistake into which the other gentleman from Harrison (Mr. Carlile,) appeared to have fallen, in the argument which he addressed to the Convention today. He seemed to think that there are members here from a certain portion of the State on their own motion—that they had come here independent of our invitation. He seemed to think that the call for this Convention was addressed to Northwestern Virginia exclusively. I notice these things because it is necessary, it seems to me, in order that the Convention may understand the precise purpose



and object of the movement we have instituted. This is all a mistake. The call under which this Convention was elected, was addressed in the following terms:

*"Resolved, That in the event of the ordinance being ratified by a vote, on the 23d of this month, (May,) we recommend to the people of the counties here represented, and all others disposed to co-operate with us, to appoint on the fourth day of June next, delegates to a general convention to meet on the 11th of that month, etc."*

The call is addressed to all the Union men of the State of Virginia, for that is the meaning, and the only meaning, and that was intended to be the meaning, to my certain knowledge, by the expression, "all others who are disposed to co-operate with us." The gentlemen who have come here from Fairfax and Alexandria, have come here upon our call.

MR. CARLILE—"I was speaking of the first call, not the second."

MR. LAMB—"We have other evidence upon this subject, which will show the intended expression of the measure which we have adopted. In this Convention on the 14th of June, 1861, Mr. Hagens, of Preston, offered the following resolution, which was unanimously adopted:

*"That in consideration of the peculiar circumstances that have surrounded our loyal brethren of Loudon county, as well as their geographical position, this Convention now extend to them a cordial and special invitation to accredit and send to this Convention their regular number of delegates as soon as may be."*

At a former date of the Convention, I find that "John S. Carlile, of Harrison, submitted the following resolution, which was adopted:

*"That the loyal people of the counties of this Commonwealth that have not yet appointed delegates to this Convention or are not already represented here, be and they are hereby cordially requested to appoint such delegations without avoidable delay."*

Such, then, gentlemen, was the system which we had adopted. We adopted a government here, not provisional; we extended our invitation to all the counties of the Commonwealth, to be represented in this government. We did not intend the movement as a movement of Northwestern Virginia alone, but of all the State, according to the objects expressly set forth in the call."

MR. CARLILE—(Interrupting)—"I do not desire to interrupt the gentleman, but I alluded to the call emanating from the county of Harrison."

MR. LAMB—"The gentleman will excuse me, but I do not see how that is possible."

MR. CARLILE—"It is possible in this way. What I had said in reply to the gentleman from Fairfax, (Mr. Hawxhurst,) was brought to the attention of the Convention by the gentleman from Mason (Mr. Polsley,) and in my reply I alluded to the fact that I had drawn up the call myself, referring, as I had done in the first instance, in reply to the question of the gentleman from Fairfax to the original call for the first Convention. Then it was that the gentleman himself called my attention to the fact that this Convention was called by the Convention which met in May, and was not assembled under the call of the original Harrison county Convention."

MR. LAMB—"Did not the gentleman from Harrison tell the member from Fairfax that he was not here upon our call?"

MR. CARLILE—"I so stated, that he was not here upon the original call. The fact is, it is a Convention to-day of Northwestern Virginia."

MR. LAMB—"It is perfectly immaterial, Mr. President. I had no other object in mentioning these things—certainly no intention of saying anything that might be in the slightest degree displeasing to my friend from Harrison."

MR. CARLILE—"It did not displease me at all; not at all."

MR. LAMB—"I had no other object than for the purpose of explaining in such a method that it could not be contradicted, what had been the purpose and object of our movement here—that it was just that very thing that was mentioned in the letter from the Attorney General of the United States—that from the beginning of this movement, at least, from the beginning of this Convention, down to the present time, it has been the object of a majority of the members of this Convention to furnish to the Union men throughout the State of Virginia, that "constitutional nucleus, around which the shattered elements" of Unionism throughout this State could rally. Such was unquestionably our object. The gentleman will recollect that motion after motion was made in the June session of this Convention looking to a division of this State; it was objected to and voted down, because it might interfere with this great object. Yet all this is now to be swept away. The Union men in our portions of Virginia outside of the limits of the proposed State, after the fourth Thursday of October next, are not to be at liberty to unite with us; they will have no longer a nucleus around which they can rally. They will have no State government



within this State unless the United States—as I think the United States will be pledged to do—shall encourage the formation of another government for the State of Virginia, after we shall have swept off the present one.

There is one other subject which before I take my seat I wish to touch upon, but very tenderly. It is the subject of slavery in connection with this plan. Your new State, Mr. President, as developed in the substitute last submitted, extending\* over so large a district of territory will have within its borders according to the census of 1860, 14,800 slaves, only. The slave population of Virginia, is I believe, not quite 500,000. You select precisely that portion of the territory that contains the smallest amount of slaves for the purpose of forming your new State.—And, gentlemen, I have no intention to impute a design of the kind to any member of this Convention, for I do not honestly believe that such a design is ascertained, but I have heard it said, and it will be said with such facts staring us in the face, that this is an abolition movement. According to the census of 1860, the slave population of this new State was 14,800, and what is it now? It is considerably less already. You appear in Congress, then, presenting this plan before them, asking their acknowledgment of the new State—asking their consent to the formation of such a State. You present it to Congress in the midst of troubles and distractions which rest upon this country—for you will not wait for a moment—you inevitably raised the slave question there.—With the facts I have stated, gentlemen, there can be no other result. They will say to you: The slave population within your State is insignificant; come to us as a free State and you shall be admitted. You know that when you present this State before them such facts will raise that question; and do you want to raise such a question as that? Do you want to push such a question upon the councils of the nation, a question of that nature in the midst of the difficulties and troubles which now surround us? I hope you do not.

Mr. President, I have as little personal interest in this matter perhaps as most of you, but I feel the importance of the subject most deeply. I fear if you press this measure upon us as you seem determined to do, that its only result will be woe to you and me and mine. But if the measure carries I certainly shall join heartily, fairly and honestly, in carrying out your determination, my fate will be yours, and I can only hope, that whether weal or woe

come of it, I may still be able, in any event, to protect those that are dependent upon me.”

MR. FAST followed in an argument of some length in favor of division, and after he had concluded,

MR. FROST moved an adjournment but gave way for Mr. West, who by general consent offered the following resolution:

WHEREAS, In consequence of existing hostilities and the disorganized condition of our once happy and prosperous Commonwealth, it becomes necessary for the Legislature that met in July last, in extra session, to meet again in December next; and

WHEREAS, it is believed by this Convention that rebellion will soon be swept from every part of Virginia; be it therefore

*Resolved*, That if the Governor of this Commonwealth in his wisdom may think it safe and prudent, and the interest of the State requires it, he shall cause the next annual session of the Legislature to be ordered to meet in the city of Richmond on the first Monday of December next, unless he, in his opinion, shall think the good of the Commonwealth demand the assembling of it at an earlier day.

MR. WEST gave as a reason for offering this resolution, that he wanted to test the sincerity of gentlemen who insisted that they were legislating and should continue to legislate for the whole State.

A motion to adjourn prevailed, and the Convention adjourned without a vote upon the resolution.

## ADJOURNED SESSION—ELEVENTH DAY.

SATURDAY, AUGUST 17, 1861.

The Convention met at ten, and was opened with prayer by Rev. D. B. DORSEY, member of the Convention from Monongalia.

Minutes read and adopted.

The resolution of the gentleman from Wetzel came up as unfinished business.

MR. WEST said the yeas and nays had been called upon the adoption of that resolution, he believed.

MR. VAN WINKLE had hoped a night's reflection would have induced the gentleman to withdraw the resolution. The gentleman from Harrison had spoken of the poverty of this government yesterday, and such allusions were calculated to bring the government into contempt. This resolution too, he thought must have the same effect. Such playful resolutions in ordinary times could do no harm, but they should not be introduced here at such a time as this.



MR. CATHER hoped the gentleman would withdraw the resolution.

MR. WEST said he never intended to withdraw that resolution. The order of the day came up.

MR. CARLILE said that the friends of division were willing to offer to the opponents a proposition for something like this:

Adopt the first section of the proposition of the gentleman from Upshur, which simply fixes the boundary lines, and then add an additional section making it the duty of the General Assembly at its next session, if the state of affairs would permit, to provide at an early day, for taking the sense of the people within the boundary.

MR. FROST expressed a willingness to meet the friends of division half way in any fair proposition of compromise. He had desired to speak upon this question, but as the Convention had already been worn down with speeches, he would forego any remarks, if the business could proceed and a vote be taken.

MR. BOREMAN did not know that he understood the proposition. He would like to have a little more time on it, and if it was what he thought it was, it would suit him. He should not say a word to the Convention, but from the fact that no gentleman had yet taken up the substitute offered by himself, and defended it in its various positions. They seemed to have left this for him to do, and he asked indulgence to be allowed to make a few remarks in advocacy of that proposition.

Were they to be selfish in the view they took of this great question? No; he argued that all they did should be done in a spirit of magnanimity, of forbearance, of enlarged and comprehensive patriotism, and not allow that patriotism to be bounded by State lines. Let them recollect that they had a government, around which clustered the most glorious recollections and all their best hopes. They were here to do all they could to transmit this government to their posterity, and should not as good loyal men, look well to this very act, lest they should weaken the cause of their country and strengthen that of their enemies. He would say as Mr. Carlile had, that next to success of the whole country, was the division of Virginia, because it was the interests of his people, the interest of the whole State, and his own personal interest. With respect to the State debt, he did not look upon that question as many gentlemen did. Congress had nothing to do with our State debt. If they

presented the question to them there, and Congress saw that the two peoples could not live together in harmony, in justice to both they were bound to sanction the separation, and let the two States settle that question among themselves after the division was made. Congress had nothing to do with it. As for the time of division, he believed no man desired an immediate vote, because they were honestly convinced of the fact that they were not prepared for a vote at this time. The people could not vote. The number of rebel forces within the borders of the proposed State, prevented any meeting and discussion among the people, and must at this time effectually prevent any expression at the polls. And if a vote could not be taken now, when could they take a vote? If they could tell him this, then he would answer the question put to them so often, how long would they propose to wait. He was satisfied they should not fix permanently upon a day at all. Because, as gentlemen have admitted by their own propositions we are now unprepared to take a vote. And then did they know they would be ready on a particular day? He had shown they did not. Then would it be right to fix a day when they had no assurance that the people could vote upon that day. The gentleman from Harrison (Carlile) wanted an expression of the people; and yet would he ask the people to vote upon a day when he knew they could not vote or when it was uncertain at best. Why not provide for this disability and prepare for taking an expression at such time as it might appear hereafter the people could have an opportunity of doing so? The enemy should be driven out first; to offer them an opportunity to vote when they knew they could not would be little better than insult. The same reasons that were valid for postponing a vote were equally valid for postponing the formation of the constitution. Some gentlemen propose to take the old constitution with some slight modifications; why, Sir, nothing could be more obnoxious to the people of Western Virginia than every line of that old constitution. But, Sir, for a Convention of the whole State of Virginia to turn around and claim to be a Convention chosen by a portion of the State, to form a constitution for that proposed new State would be a monstrous proposition. The proposition offered by some of the substitutes, proposing to adopt an ordinance allowing certain counties not now to be included in the boundaries to vote upon the question hereafter, was a recognition of the fact that the people of these counties could not vote upon



the subject. Well now this was just his proposition with reference to nearly all the counties, and if the principle would apply to these counties, would it not apply equally to those? He wanted no expression at all until it could be a full and fair one.

He proceeded again to denounce the old constitution, and was interrupted in reply by Mr. West. He declared, in resuming, that to get rid of this constitution was one reason for his having long favored a division of the State. But, Sir, if they went into the formation of a constitution for the new State, it was the formation of a government for it. A constitution was difficult to be changed. People would submit to them even if oppressive, rather than resort to revolution to free themselves from them. They had long done that thing in this State; but they had lived in hope that some day the fetters would be broken and they would be released from a most grinding oppression.

He took up the substitute offered by himself, and after reading it, proceeded to a discussion of its provisions. He had not offered it to kill off any proposition to divide the State or to destroy any measure proposing to take an expression of the people upon the question. It simply proposed to say that it would be premature and would be taking advantage of a portion of their fellow-citizens for the Convention to attempt the formation of a constitution now, and expressed a desire that the General Assembly, provided in their opinion the people could at that time vote, appoint an election on the first Thursday in January, to obtain an expression as to whether the new State could be formed or not.

As to boundaries, if the people would vote for it in those portions of the State, he would like to take all the territory proposed by the ordinance reported by the Committee; but he did not want to take in counties that might aid in voting down a new State altogether. He should not strenuously object to the fixing of boundaries now, but he believed it would be better to let that matter rest until the meeting of the Legislature, when they might be able to obtain more territory than it would be thought now advisable to take in.

In reply to the question, how does precipitate action embarrass the General Government, it would for one thing introduce the slavery question into Congress. If introduced there, and the Constitution should be rejected, it would be said they refused it because it was a Republican Congress, and it was a slavery Constitution; and

it would foment such an excitement in Western Virginia as was never before witnessed.

MR. LEWIS inquired whether that same difficulty would not have to be met, even if the application were not made till peace was restored.

MR. BOREMAN said it would not then be so embarrassing because the government would not have so many and such great difficulties upon its shoulders, and it would then be a very different question. Just at this time it was a very unpropitious moment. If we now undertake to strike a line here as proposed would it not go forth that we were trying to aid the South, that this Wheeling government had abandoned its position and were preparing for a dissolution of this Union. Besides this movement then loses all its prestige in the other States. This is an auxiliary movement to aid the Government of the United States, and what must be the effect in Tennessee and Alabama, and all over the country? They would say we had acted hypocritically, covering up the selfish design of building up a State for ourselves. It would be used by the secessionists everywhere to embarrass the Government and strengthen their own position, and would destroy the moral force and prestige of all we have done here. This proposition left all this responsibility of action upon the Legislature.

Suppose they did divide the State, which was the old State and which the new State? Reorganize a new government here and what becomes of the old one? It revolutionizes this part, it drives out the old government. He would leave the question for gentlemen to answer it for themselves. This might be the grand reason why all secessionists were in favor of a division; because it would prevent the loyal people of the other seceded States from following our example in reorganizing the whole State government. It would demoralize the whole movement.

The gentleman from Upshur had said some members were opposed to the whole movement for a division. He had not heard any members so express themselves; but he had heard them all say just the contrary. For himself, he was acting in good faith, and whenever the conditions would allow a vote to be taken he would go for a proposition for a separation of the State; and he intended to go home and support whatever decision this Convention might arrive at, let that be what it might.

MR. CATHER followed, and in reply to what had been said about



precipitate action said that none of them were for the taking of the vote at once. His own proposition was for the fourth Thursday of November. But he would vote for any measure looking to a division of the State. He would favor some measure that would compromise their differences.

MR. JOHNSON believed that this question ought not [to] have been introduced here. This was not the proper body to take this question of a division into consideration. He took substantially the same grounds occupied by Mr. Boreman. He alluded to what had been said about the possibility of the success of the Southern Confederacy, and said that the establishment of a boundary at this time between the loyal and rebellious portions of the State would be the drawing of the first line between the Northern and Southern Confederacies. He made the point that inasmuch as the Constitution of the United States guarantees to every State a Republican form of government, Congress could not admit a State which in its creation destroyed the only republican form of government there was in the State. He charged that the thing of taken advantage of the East, which many gentlemen proposed, would be dishonorable. Besides it was a revolutionary measure because it could not be carried out according to the spirit of the Constitution.

MR. DORSEY moved the previous question.

MR. LEWIS suggested after the question was put that a recess be taken.

MR. HARRISON called for the yeas and nays on the main question.

MR. WEST hoped the House would vote down the motion.

The vote was taken and the main question ordered to be put.

The main question was upon the substitute of the gentleman from Tyler, Mr. Boreman.

MR. FROST moved to reconsider the vote by which the main question was ordered, which he afterwards withdrew.

MR. STUART moved a reconsideration and the President decided it out of order.

MR. STUART appealed from the decision of the Chair—and on that Mr. Van Winkle called for the yeas and nays.

MR. WEST moved to lay the appeal upon the table, and upon that Mr. Frost called the yeas and nays.

The time fixed for adjournment having arrived, the Convention adjourned without a vote.

## AFTERNOON SESSION.

The Convention re-assembled at half-past two [o'clock.]

The President said the question when they took a recess was on laying the appeal on the table, but as the occasion for it had passed it had been withdrawn.

The yeas and nays upon the substitute of Mr. Boreman having been called were taken and resulted as follows:

YEAS—Messrs. Atkinson, Boreman of Tyler, Barns, Bowyer, Burley, Broski, Barrack, Crothers, Crawford, Close, Caldwell, Carskadon, Copley, Flesher, Gist, Graham, Harrison, Hubbard, Hall, Hawxhurst, Johnson, Koontz, Logan, Lamb, Mason, Montague, Nicholls, Polsley, Price, Ritchie, Smith of Marion, Slack, Stuart, Tarr, Trout, Van Winkle, Withers, Wetzel, Watson, President (Boreman of Wood)—40.

NAYS—Messrs. Berkshire, Brown, Burdett, Brumfield, Cather, Carlile, Crane of Preston, Crane of Randolph, Dorsey, Downey, Davis, Evans, Ferrell, Farnsworth, Foley, Fast, Fleming, Hale, Hooton, Howard, Jackson, Kramer, Lewis, Love, Martin of Wetzel, Myers, Michael, Paxton, Parsons, Smith, Scott, Snider, Smith (J. L.), Swan, Taft, Vance, West, Williamson of Pleasants, Wilson, Zinn—42.

The question recurring upon the substitute of Mr. Carlile for that of Mr. Farnsworth, he proposed as an additional section the following, prepared by Mr. Lamb, at the end of the same:

"The government of the State, as reorganized by the ordinance for the re-organization of the State government, shall retain the powers and authority undiminished and unimpaired until the proposed State shall be admitted into the Union by the Congress of the United States."

MR. FARNSWORTH accepted the substitute with this addition, in lieu of his own proposition.

MR. CARLILE took occasion to make some remarks urging the adoption of the proposition, and appealing to them all, whatever the result might be, to go away from here resolved to act in unity and use their best efforts to carry out the objects of the Convention and unite their people in their support.

After MR. CARLILE had finished his remarks,

MR. HALE moved the previous question.

MR. LAMB said if they were thus to be met with the previous question on all occasions he hoped the gentlemen who had acted with him upon this question would leave the Convention and let gentlemen upon the other side raise a quorum the best way they could.

MR. HALE subsequently withdrew the demand.

MR. NICHOLLS offered the following as a substitute for the second section of Mr. Carlile's substitute:

Sec. 2. Be it further ordained, That the General Assembly shall pro-



vide for taking a vote within the boundaries aforesaid on the first Thursday of January next, if the state of affairs will admit of a full and free expression of the popular sentiment within four of the counties above named, and if not then, as soon thereafter as possible, on the question of the formation of a new State, and also for the election of members of a Convention for the purpose of forming a Constitution for the proposed State, in which Convention each county and election district shall have the same number of representatives to which it will be entitled at the next succeeding session of the House of Delegates.

MR. NICHOLLS followed in a very forcible speech of some length, in opposition to a division of the State, and was followed by

MR. SHIDER, who replied to Mr. Nicholls and others, who had preceded him. He favored immediately having an expression of the people, and made some very, spicy remarks in reply to what had been said about his hint at a counter revolution among the people in case no action was taken.

MR. FROST succeeded, upon the same side of the question as Mr. Nicholls. He concluded by declaring that whatever should be the action of the Convention, he would give it his entire and hearty support, and he hoped all would do the same.

After some further remarks by MESSRS. NICHOLLS, CATHER and BARNES.

MR. MARTIN of Wetzel called for the previous question. The demand was sustained.

The previous question upon the amendment of Mr. Nicholls, was ordered.

The main question upon the amendment of Mr. Nicholls, was then taken by yeas and nays and resulted, 34 nays, yeas 42.

MR. POLSLEY offered the following as an amendment:

"That five commissioners from as many different counties be appointed by this Convention who shall meet in Parkersburg on the first Monday of ———, and appoint a day for the holding of said election if in the opinion of a majority of them, a free and fair election can be holden in four-fifths of the counties within the boundaries of the State to be fixed."

MR. POLSLEY spoke briefly in advocacy of his amendment and was followed by Mr. Burdett in a very spicy little speech in favor of a division of the State and in opposition to the amendment. In the course of his remarks in alluding to the objection made that the slavery question must be dragged into this controversy in forming a constitution, he said that although he was as good a pro-slavery man as any one in the State, he would see the whole institution abolished before his country and its government should be destroyed. He loved his country more than he loved the institution.

MR. FARNSWORTH called for the previous question, which being

sustained, the question upon the adoption of Mr. Polsley's amendment was taken and lost by yeas 31, nays 45.

MR. STUART proposed to strike out the boundaries proposed in the substitute, and insert the boundaries proposed in the report of the Committee.

MR. FARNSWORTH rose to call the previous question. This was only another dodge to kill the bill.

MR. STUART appealed to the House for a few moments to speak upon his amendment.

The call for the previous question was sustained, and upon the question, Shall the main question be put? Mr. Stuart called for the yeas and nays, which being taken, the call was lost, by yeas 32, nays 42.

MR. CROTHERS moved an adjournment.

MR. CARLILE arose to say a few words by general consent, for the benefit of his friend from Ohio and others.

THE PRESIDENT said it could only be by general consent.

Several members objected.

MR. CARLILE said he must say it, and amid great confusion and cries of order, he proceeded to say that if this course was to be pursued by the opponents of compromise after the offer he had made to meet them upon a compromise, he would now take it all back, and if they would and must have war, they could have it.

Some member said "and war it shall be!" another said "We will meet you."

MR. FROST arose and said he too would take back all he had said of a willingness to meet the advocates of a division upon compromise grounds.

MR. CROTHERS withdrew his motion, and

MR. STUART proceeded to make a speech upon boundary; after which the yeas and nays, having been demanded upon the question of adopting Mr. Stuart's amendment, were taken and resulted yeas 38, nays 37.

So the amendment was adopted, being decided by Mr. Atkinson changing his vote.

The question recurred upon the substitute as amended, and Mr. West proceeded to address the Convention on a variety of subjects, but chiefly in relation to boundary.

MR. CARLILE said he had stated repeatedly that he should yield a willing acquiescence to whatever might be the conclusion of the



Convention. He regarded the adoption of this amendment as equivalent to an indication that the Convention had determined not to adopt any measure that would result in the division of the State, or that the voice of the people within what should be the legitimate State, should at this time be heard. They all knew that territory was thus included which must vote down a proposition for separation, and he presumed it was so intended. He was now willing to accept this as an expression of the Convention and as such he would acquiesce in it. Amended as it now was he must vote against the substitute which he himself had offered, still hoping that at some future day they should be able to accomplish the much-desired end now, as he was willing to regard it here defeated.

MR. TARR, with a hope that a little time and reflection would tend to produce a better feeling among members, moved to adjourn.

MR. FARNSWORTH said they now had no further business here, and he moved to adjourn *sine die*.

Several members cried out, "Yes, let's adjourn and go home." "We have no more business here." &c.

THE PRESIDENT decided the motion out of order—the motion to adjourn taking precedence.

This motion was put, and the Convention adjourned with much disorder.

## ADJOURNED SESSION—TWELFTH DAY.

MONDAY, AUGUST 19, 1861.

The Convention met and was called to order at half-past 9 o'clock A. M.

Prayer by Rev. Gideon Martin of the M. E. Church.

Minutes of Saturday read and approved.

THE PRESIDENT presented a communication from the Governor, tendering his resignation as a member of the Convention.

MR. LEWIS followed in some remarks upon the form of the government here, and suggested that the executive and legislative department of the government ought to be entirely separated, and that it should be brought back to its original representative character. The Richmond Convention had placed the supreme power in the

executive, and he thought that in re-constructing this government they ought to remedy the evils brought upon us by that Convention. We should be careful of patterning after them in destroying the representative character of our government and investing too much of the authority in the hands of an executive. He favored the acceptance of the resignation.

MR. LEWIS went on at some length to explain the card to which allusion had been made in debate here. He reviewed circumstances which induced him to write it, and defined what he meant by a divided allegiance, to be strictly in accordance with the Constitution of the United States and of the State. He took the position he did at the time, because he understood the movement then being inaugurated here as a counter revolution, and not what it has since proved itself, the reorganizing of the government of the whole State; and because he thought it possessed a disintegration of the State at a time when he thought it would have been unwise. "If that card was mistaken in the doctrines it announced, if it was imprudent in its inception, and ill-judged in the time of its being put forth; it, as was remarked by the gentleman from Ohio, threw impediments in the way of those who are engaged in this great movement. I will from this day make use of all my powers, intellectual, moral and physical, to undo what was wrongfully done in the righting of that card."

The resignation of Mr. Pierpont was accepted.

The order of the day came up being upon the substitute as amended by Mr. Stuart.

MR. HOOTON proceeded to address the Convention. He believed upon the harmonious settlement of this vexed question here depended the welfare of this government. Since Saturday they had all had time to reflect, and he came here this morning holding out an olive branch to gentlemen who advocated the opposite of this question. For this purpose he submitted the proposition that this whole matter be referred to a committee to consist of six members, three from each side, with the express understanding that the committee report tomorrow morning. He moved that the whole matter be thus referred.

MR. FARNSWORTH asked the gentleman to withdraw his motion for a time.

MR. HOOTON declined to do so, as he was aware that there were,



at least, half a dozen propositions to be offered. He could not consistently do so.

MR. FARHSWORTH said his object was to present a modification of his proposition, which he believed would give general satisfaction. If this should fail he would then favor the proposition.

MR. HOOTON said the gentleman could present his modified proposition to the committee for their consideration.

MR. BOREMAN said he was willing to meet gentlemen on the other side half way, and he thought every proposition had much better be referred to the committee.

MR. DORSEY moved to amend the motion by inserting as the committee, the names of Messrs. Carlile, Lamb, Kramer, Carskadon, Jackson and Boreman of Tyler.

MR. TARR moved to amend by making the committee consist of ten, and thought they should be selected from every side of the house.

MR. VAN WINKLE remarked that in the Convention of 1850, when the Compromise Committee was appointed to consider the question of the white basis, they were appointed by ballot, each member voting for half the committee. He did not make the motion to select them in this way, but merely made the suggestion.

MR. WEST expressed a hope that the proposition of the gentleman from Preston would prevail.

MR. DORSEY withdrew his motion.

MR. POLSLEY rose merely, as he said, for the purpose of expressing his cordial approbation of the proposition of the gentleman from Preston.

MR. TARR withdrew his amendment to the motion of Mr. Dorsey.

MR. LAMB suggested that each side of the house upon the question to be determined should select its half of the Committee.

MR. HOOTON accepted the suggestion.

MR. HOOTON'S proposition as thus amended was adopted unanimously.

MR. LAMB, from the Committee on Credentials, reported that E. B. Hall, of Marion, was entitled to a seat in the Convention, to fill the vacancy created by the resignation of Mr. Pierpont.

The report was adopted and Mr. Hall sworn in.

MR. FROST presented an ordinance to provide for holding a special term of the County Court of Jackson county, to commence

on the fourth Thursday of August, 1861, which ordinance was passed.

MR. VAN WINKLE by general consent, offered the Committee on Business an ordinance providing for the collection of the public revenue in certain cases, which was laid upon the table and ordered to be printed.

The Convention then took a recess until the regular hour, to afford opportunity to elect a Compromise Committee.

#### AFTERNOON SESSION.

Convention met at half-past two. [o'clock.]

MR. FROST said the members of both sides respectfully elected the following gentlemen as the Committee on Compromise: Messrs. Farnsworth, Carlile, Paxton, Van Winkle, Ruffner and Lamb.

MR. VAN WINKLE said he was instructed by that Committee to recommend to the Convention an adjournment until tomorrow morning, in order that all propositions connected with the subject which are pending or may be offered, be referred to that Committee, and that they have liberty to print their report before submitting it to the Convention, if they can agree in time. "In that case the matter will be ready for your action at the opening of the morning session, and will hardly be got ready before. In reference to the other business that is pending here I mentioned it to the Committee, and they said they would like to be present when it is acted upon; and upon the whole, considering the state of anxiety in the minds of the members upon this subject, it was thought if we would dispose of this in the morning, the other business could be taken up and disposed of in perhaps a half hour or an hour.

"I therefore move that all propositions and any proposition that may be offered in reference to a division of the State, be referred to the Select Committee on that subject, and that they have leave to print such report as they may agree to by tomorrow morning."

MR. LEWIS—"In accordance with the suggestion just made, I move that the Convention now adjourn."

MR. FROST asked the gentleman to withdraw his motion a moment to allow him to make a personal explanation, which he proceeded to do as follows:

"The impression seems to have gone abroad, Sir, that on last



Saturday, after making the statement I did, that I had paired off with Mr. Todd, of Taylor county. I voted upon the amendment of the member from Doddridge. I distinctly stated then that I believed under the arrangement I had made with Mr. Todd, I had the right after the proposition of Mr. Boreman was voted down, to vote upon any subsequent proposition, but I declined doing it, lest it might be misinterpreted. I voted upon one proposition alone, and that was upon a motion to put the main question. I voted against that in order to allow the member from Doddridge an opportunity to speak upon his proposition. This impression seems to have gone abroad outside of the hall from the report of members who seemed to have misunderstood the vote I gave. I make this statement in order that reporters may make some minute of it to show why I declined voting. I was in favor of the motion of the gentleman from Doddridge, and should have voted in favor of it, but for the reason assigned I did not vote upon it."

MR. LEWIS then renewed his motion and the Convention adjourned.

#### ADJOURNED SESSION—THIRTEENTH DAY,

THURSDAY, AUGUST 20, 1861.

Convention met and was called to order at half-past nine A. M. Prayer by Rev. Gordon Battelle.

Minutes read and approved.

MR. FARNSWORTH—"As Chairman of the Committee, Sir, whose duty it was by special appointment to try, if possible, to compromise upon some measure to be adopted by this Convention, we are ready this morning to report, and, we would say to this Convention, that the labors of that Committee were arduous. We met in the spirit of harmony and union; we met for the purpose of meeting, if possible, upon some general compromise ground that would suit this entire Convention and suit the people. And I am happy this morning to say to this Convention that we have agreed upon a plan to be submitted this morning; and we have not only agreed, but unanimously agreed. Every member of the Committee, and I believe, with heart and hand, has agreed to it. And we take great pleasure this morning in submitting the result of the labors of that Committee, hoping that this Convention may properly appreciate the report we make.

The following is the report:

## AN ORDINANCE TO PROVIDE FOR THE FORMATION OF A NEW STATE OUT OF A PORTION OF THE TERRITORY OF THIS STATE.

WHEREAS, It is represented to be the desire of the people inhabiting the counties hereinafter mentioned to be separated from this Commonwealth, and to be erected into a separate and independent State, and admitted into the Union of States, and become a member of the Government of the United States:

SEC. 1. The people of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain that a new State to be called the State of KANAWHA, be formed and erected out of the territory included within the following described boundary: Beginning on the Tug Fork of [Big] Sandy river on the Kentucky line where the counties of Buchanan and Logan join the same, and running thence with the dividing line of said counties, and the dividing line of the counties of Wyoming and McDowell to the Mercer county line, and with the dividing line of the counties of Mercer and Wyoming to the Raleigh county line, and thence with the dividing line of the counties of Raleigh and Mercer, Monroe and Raleigh, Greenbrier and Raleigh, Fayette and Greenbrier, Nicholas and Greenbrier, Webster, Greenbrier and Pocahontas, Randolph and Pocahontas, Randolph and Pendleton, to the south-west corner of Hardy county, thence with the dividing line of the counties of Hardy and Tucker to the Fairfax Stone, thence with the line dividing the State of Maryland and Virginia to the Pennsylvania line, thence with the line dividing the States of Pennsylvania and Virginia to the Ohio River, thence down said river, and including the same, to the dividing line between Virginia and Kentucky, and with the said line to the beginning; including within the boundaries of the proposed new State the counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock.

SEC. 2. All persons qualified to vote within the boundaries aforesaid, and who shall present themselves at the several places



of voting within their respective counties, on the fourth Thursday in October next, shall be allowed to vote on the question of the formation of a new State as hereinbefore proposed; and it shall be the duty of the Commissioners conducting the election at the said several places of voting at the same time, to cause polls to be taken for the election of Delegates to a Convention to form a Constitution for the government of the proposed State.

SEC. 3. The Convention hereinbefore provided for may change the boundaries described in the first section of this Ordinance, so as to include within the proposed State the counties of Greenbrier and Pocahontas or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley and Jefferson, or either of them, and also such other counties as lie contiguous to the said boundaries, or to the counties named in this section; if the said counties to be added, or either of them by a majority of the votes given, shall declare their wish to form part of the proposed State, and shall elect Delegates to the said Convention, at elections to be held at the time and in the manner herein provided for.

SEC. 4. Poll Books shall be prepared under the direction of the Governor, for each place of voting in the several counties hereinbefore mentioned, with two separate columns, one to be headed "For the New State," the other, "Against the New State."

And it shall be the duty of the Commissioners who superintended, and the officers who conducted the election in May last, or such other persons as the Governor may appoint, to attend at their respective places of holding elections, and superintend and conduct the election herein provided for. And if the said Commissioners and officers shall fail to attend at any such place of holding elections, it shall be lawful for any two freeholders present to act as Commissioners in superintending said election. It shall be the duty of such persons superintending and conducting said election, to employ clerks to record the votes, and to endorse on the respective poll books the expenses of the same.

If on the day herein provided for holding such election, there shall be in any of the said counties, any military force or any hostile assemblage of persons, so as to interfere with a full and free expression of the will of the voters, they may assemble at any other place within their county, and hold an election as herein provided for. It shall be the duty of such Commissioners superintending, and officers conducting said election, and the clerks employed to

record the votes, each before entering upon the duties of his respective office, to take, in addition to the oath now required by the general election law, the oath of office prescribed by this Convention. It shall be the duty of the officers and commissioners aforesaid, as soon as may be, and not exceeding three days after said election, to aggregate each of the columns of said poll books, and ascertain the number of votes recorded in each, and make a return thereof to the Secretary of the Commonwealth, in the City of Wheeling, which return shall be in the following form, or to the following effect:

We, ....., Commissioners, and ....., conducting officers, do certify that we caused an election to be held at ..... in the county of ..... at which we permitted all persons to vote that were entitled to do so under existing laws, and that offered to vote, and that we have carefully added up each column of our poll books, and find the following result: For a new State, .....votes; Against a new State, ..... votes. Given under our hands, this ..... day of..... 1861.

Under which certificate there shall be added the following affidavit:

.....County, to-wit:

I, ..... a Justice of the Peace, (or any officer now authorized by law to administer oaths, in and for said county, do certify that the above-named commissioners and conducting officers, severally made oath before me that the certificate by them above signed, is true. Given under my hand this.....day of ..... 1861.

.....J. P.

The original poll books shall be carefully kept by the conducting officers for ninety days after the day of the election, and upon the demand of the Executive shall be delivered to such person as he may authorize to demand and receive them.

SEC. 5. The commissioners conducting the said election in each of said counties shall ascertain, at the same time they ascertain the vote upon the formation of a new State, who has been elected from their county to the Convention hereinbefore provided for, and shall certify to the Secretary of the Commonwealth the name or names of the persons elected to the said Convention.

SEC. 6. It shall be the duty of the Governor on or before the



fifteenth day of November next, to ascertain and by proclamation make known the result of the said vote, and if the majority of the votes given within the boundaries mentioned in the first section of this ordinance shall be in favor of the formation of a new State, he shall so state in his said proclamation, and shall call upon said delegates to meet in the city of Wheeling on the 26th day of November next, and organize themselves into a Convention, and said Convention shall submit for ratification or rejection the Constitution that may be agreed upon by it, to the qualified voters within the proposed State, to be voted upon by the said voters on the fourth Thursday in December next.

SEC. 7. The county of Ohio shall elect three delegates; the counties of Harrison, Kanawha, Marion, Marshall, Monongalia, Preston and Wood shall each elect two; and the other counties named in the first section of this Ordinance shall each elect one delegate to the said Convention. And such other counties as are described in the third section of this Ordinance shall, for every seven thousand of their population, according to the census of 1860, be entitled to one delegate, and to an additional delegate for any fraction over thirty-five hundred; but each of said counties shall be entitled to one delegate.

SEC. 8. It shall be the duty of the Governor to lay before the General Assembly, at its next meeting, for their consent, according to the Constitution of the United States, the result of the said vote, if it shall be found that a majority of the votes cast be in favor of a new State, and also in favor of the Constitution proposed to said voters for their adoption.

SEC. 9. Said new State shall take upon itself a just proportion of the public debt of the Commonwealth of Virginia prior to the 1st day of January, 1861, to be ascertained by charging to it all State expenditures within the limits thereof, and just proportion of the ordinary expenses of the State government, since any part of said debt was contracted, and deducting therefrom the monies paid into the treasury of the Commonwealth from the counties included within the said new State within the same period. All private rights and interests in lands within the proposed State, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in the State of Virginia.

The lands within the proposed State, of non-resident proprietors, shall not in any case be taxed higher than the lands of residents therein. No grants of lands, or land warrants issued by the proposed State, shall interfere with any warrant issued from the Land Office of Virginia, prior to the 17th day of April last, which shall be located on lands within the proposed State, now liable thereto.

SEC. 10. When the General Assembly shall give its consent to the formation of such new State, it shall forward to the Congress of the United States such consent, together with an official copy of such Constitution, with the request that the said new State may be admitted into the Union of States.

SEC. 11. The Government of the State of Virginia, as re-organized by this Convention at its session in June last, shall retain, within the territory of the proposed State, undiminished and unimpaired, all the powers and authority with which it has been vested, until the proposed State shall be admitted into the Union by the Congress of the United States; and nothing in this ordinance contained, or which shall be done in pursuance thereof, shall impair or affect the authority of the said re-organized State government in any county which shall not be included in the proposed State.

MR. VAN WINKLE—"The questions involved here are those of boundary and of time. We had conceded to the gentlemen on the other side an opportunity of bringing this matter before the Legislature at its next session, in consideration, partly, at least, of the fact that if the next legislature holds only its regular session it will not meet until two years after December next. It however will be seen, leaves discretion enough in the Legislature to act upon this matter, and if as we have feared the state of the country should be such that this vote cannot be taken in any considerable number of the counties, why, of course, the thing would fail for the present.

Again, Sir, what we think, to some extent, has been conceded to us is that another Convention shall be called for the purpose of making a Constitution for the new State. There were serious objections to going on with the old constitution and organizing a government under its provisions, and in a few months have to make another Constitution. The Constitution of the new State will



therefore be submitted to the people before the application comes before the Legislature.

In reference to the boundary, I can only refer gentlemen to the bill. There have been so many different and conflicting views in reference to that subject that it is hard to say which side has yielded and which has not. And while my views were very strong in the beginning of this matter to endeavor to include the valley, I have somewhat changed in regard to them. One ground of that change is that it would be perhaps taking too much from the old State. Another is that the Valley itself would not consent, or at least no other parts than those for which provision is made in this ordinance. I will only say in conclusion that the ordinance is made up of the different propositions offered here, and is, I believe, really the result of a sincere desire on the part of the Committee to do something that would meet the approbation of the Convention and the people generally.

The dangers that we feared from too early action will perhaps be obviated by the provisions of this ordinance, and I think if this belief is general, that there can be no objection to passing it as it is. If there are any counties in which from the occupation of hostile troops, elections cannot be held, the matter cannot be acted on by the Legislature. At any rate there is discretion left to the Legislature to act properly in this matter, and if we go on to Congress with our application in that way, and if there is any irregularity it is not likely we will obtain their consent. It will, therefore, behoove gentlemen who are favoring this movement most strongly to wait until they have the consent of these counties embraced in this boundary, to insure the assent of Congress. We think that the great concession made on our side is in conceding early action, to refuse which would, perhaps, be fatal to the whole thing. It was to decide between this and the danger of postponing the whole matter, by permitting the friends of a division to risk action now."

MR. CRANE moved to amend by adding at the end of the 88th line in the 7th section the words "the said delegates shall receive the same *per diem* as that which is now allowed to the members of the General Assembly."

The amendment was agreed to.

MR. POLSLEY obtained the floor, and proceeded to give expression to his reasons for opposing the adoption of the report of the

Committee. His real objection was that the Convention had no power to act on this subject; that "although we are *de jure*—we are in fact the rightful government of the whole state of Virginia, according to the principles of American Government and according to the principles recognized by the government of the United States, yet" he contended that "we are not *de facto* the government of the whole of the State of Virginia." For this reason he could not feel that they had any right to adopt measures for a separation of the State.

MR. MARTIN, of Wetzel, moved the previous question.

Several members asked him to withdraw it.

MR. MARTIN consented to withdraw it, but he did not think the subject needed any further elucidation; it was already exhausted, and he did not think any new light could be thrown upon the subject.

MR. LAMB addressed the Convention briefly, in favor of the report of the Committee. He had consented to it somewhat reluctantly, but he would remind his friends that, by the Constitution of the United States, no action of the people of Virginia can effect anything without the consent of the Legislature, towards the formation of a new State, and that consent must be free and untrammelled. This was one security against a division. Another was, that another Convention was to be held to prepare and submit a constitution to our people of the new State. If that Convention should find the state of things would not allow the subject to be fairly and freely acted upon, they certainly would postpone the matter until such an expression could be had. He thought they had at least a reasonable security that no action would be had unless an actual and fair expression of popular sentiment should be previously had.

MR. TARR proposed to amend the Ordinance in the 20th line, of the first section, by inserting the counties of Hampshire, Hardy, Morgan, Berkeley, and Jefferson.

MR. STUART moved to add, as an amendment, the counties of Pendleton and Highland, and made some remarks in favor of his motion, going to show how strong was the Union sentiment in those counties.

MR. BURDETT retorted by saying that some idea could be formed by the strength of the Union sentiment there by the fact that the first rebel troops that invaded Northwestern Virginia were from



Highland county. They had been quartered in his own town (Pruntytown) and in his own house. Among them was one Captain Hull who in the Richmond Convention was a Union man and who finally yielded and perhaps signed the Ordinance of Secession.

MR. STUART inquired if there was not a company of secession troops in the gentleman's own county (Taylor) before these troops came over from Highland.

MR. BURDETT replied, that might be true, but he had alluded to that fact to show how strong was the Union sentiment in Highland. He supposed the gentleman had, perhaps, some relatives over there and he believed it would be cheaper for him to go over to them than to try to bring the country to us.

MR. DOWNEY obtained the floor for the purpose of vindicating the Union element of Hampshire county. He went on at length to advocate the amendment of Mr. Tarr taking in that and other counties.

MR. HOOTON demanded the previous question.

The question was put upon the amendment of Mr. Stuart, and the amendment lost.

The question recurred on the amendment of Mr. Tarr.

MR. BURLEY hoped gentlemen would concede them this one amendment.

The question on the adoption was taken by yeas and nays, and resulted, yeas 35, nays 27.

So the amendment was adopted.

MR. CARLILE took the floor, and said that by the action just taken, he was satisfied it had destroyed the ordinance reported by the Committee, and this being the case, he should not object to any other amendments. He proceeded to speak in opposition to including the counties named in the amendment. A provision was incorporated into the ordinance by which they could come into the new State, if they desired it; if they did not desire to come in, no power to be exercised here could bring them in. One object was to get rid of the secession forces. He believed that Eastern Virginia was willing to let Northwestern Virginia go and form a separate State, but would they be willing to let these counties go, containing some 8,000 slaves, and which were within their natural boundaries, without a fierce struggle to maintain them. Besides we had no assurance that these counties wanted to come with us at all. They were, some of them, largely secession, and would have to be co-

ereed, if brought in at all. The provision of the ordinance would afford them an opportunity to come in, if they desired, and if they did not want to, we certainly did not want them.

As to wanting these counties because the Baltimore and Ohio Railroad ran through them he would just say that in times of peace we had free and unmolested use of that road, and in times of war it could not be used anyhow. So that argument had no force whatever.

MR. CALDWELL interrupted Mr. Carlile and moved a reconsideration of the vote by which the amendment was adopted.

MR. NICHOLLS followed in a very eloquent appeal to members not now to again throw an element of discord into the Convention. They all knew he had opposed immediate action as much as any of them, but they had appointed their committee to adopt measures that might harmonize them, and should not captiously oppose what that committee had proposed to them. Let them not now again distract the Convention and ruin everything. He hoped they would adopt the report and let them go home united, and enter upon the field of duty to which their country now called them, the defence of their homes and firesides. For one he was willing to act with all who were ready to aid in saving their country in this hour of its extremity.

MR. TARR proposed to amend his amendment by leaving out the counties of Berkeley and Jefferson.

MR. HALL, of Marion, obtained the floor and occupied some time in vindicating the Union sentiment of Richmond and Eastern Virginia. He was in favor of taking in the counties included in the amendment of Mr. Tarr, and hoped that gentleman would let them all stand, and not be satisfied with half a loaf. He was opposed to being in a hurry. Let them consider this measure calmly and not hasten things too much toward a division of the State.

MR. VAN WINKLE made some further remarks in explanation of the report of the Committee. If these counties were to be left out they could vote themselves in if they chose to, but if a county should so vote with another intervening between it and the new State, of course they could not come in. But if the counties named in the amendment, or any others, were included in the boundaries they must come in whether willing or not. The leaving out of these counties and others, and then making the provision by which



they might come in if they wished was the very essence of the compromise they had effected.

MR. CARLILE demanded the yeas and nays upon the motion of Mr. Caldwell to reconsider, which being taken resulted as follows:

YEAS—Messrs. Berkshire, Brown, Burdett, Brumfield, Burley, Cather, Crawford, Carlile, Crane of Preston, Crane of Randolph, Caldwell, Davidson, Douglas, Davis, Evans, Ferrell, Farnsworth, Fleming, Gist, Graham, Hale, Hagans, Hooton, Howard, Jackson, Kramer, Lamb, Lewis, Love, Martin of Wetzel, Myers, Mason, Nicholls, Smith of Pleasants, Scott (J. L.) Swan, Taft, Vance, Van Winkle, West, Williamson of Pleasants, Wilson and Zinn—43.

NAYS—Messrs. Atkinson, Boreman, Barns, Bowyer, Broski, Close, Carskadon, Copley, Downey, Foley, Fast, Harrison, Hall of Marion, Johnson, Koontz, Montague, Michael, Polsley, Ritchie, Smith of Marion, Stuart, Tarr, Trout, Withers, Wetzel, Watson, and Mr. President (Boreman of Wood)—27.

So the vote adopting the amendment was reconsidered. The time of a recess having arrived the Convention took a recess, MR. STUART having the floor.

#### AFTERNOON SESSION.

MR. STUART took the floor, and addressed the Convention upon the question which recurred upon the adoption of the amendment of Mr. Tarr. He thought the report of the Committee was the worst proposition that had yet been offered, and yet some gentlemen here thought it was above criticism. He was opposed to this bill much more than the bill proposed by Mr. Farnsworth, originally. He believed the concession had all been one way. He must give Mr. Carlile credit for having managed this thing admirably. After he had concluded

MR. MARTIN of Wetzel called for the previous question.

The main question was then put upon the amendment of Mr. Tarr to add the counties of Hardy, Hampshire, Morgan, Berkeley, and Jefferson, and being taken by yeas and nays resulted, yeas 31, nays 48.

So the motion to so amend was lost.

MR. BURLEY said he would propose as a compromise, that the counties of Hardy, Hampshire, and Morgan, should be included within the boundaries of the new State. The question upon the amendment was taken and decided in the negative.

MR. CARLILE said the Convention had now spent about two weeks discussing this question, and he thought it was about time for

them to come to some conclusion. They had all made their speeches over about ten times—he had he knew—and he hoped this thing was to come to an end.

He was followed by MR. SMITH, of Marion, who urged in opposition to the adoption of the report of the Committee, that this proposition would bring up prominently the consideration of the slavery question, which must result most disastrously; that such was the state of things in many counties that a fair election could not be held. He argued that this Ordinance would override the Ordinance for the organization of the State government in its provision that the Legislature should order an election for executive officers so as to end their term of office at the end of six months, and thus would perpetuate the present executive of this State government until the new State shall be admitted into the Union.

He moved to strike out, in the 24th line, all after the word “proposed,” down to the 33d line.

He was replied to by MR. CARLILE, who said that Mr. Smith and his friends had all along during the session of the Legislature and in the early part of this Convention, favored and insisted on a Convention to form a constitution, and now that that Convention was provided for in this proposition the gentleman had turned against his own pet scheme.

The question was taken upon Mr. Smith’s amendment, and it was rejected.

MR. STUART proposed to amend the 1st section by striking out “Kanawha” and inserting “West Virginia,” as the name of the new State.

MR. HALL, of Marion, asked for a division of the question.

The motion to strike out “Kanawha” was put and rejected.

MR. WEST said he wished to define his position. He said they had in a manner entirely fair and impartial gone into the selection of the Committee that had reported this morning, and while he did not pretend to say that any other members felt bound, for himself he did feel bound in good faith to carry out the objects of the Committee.

MR. CRANE, of Randolph, proposed as an amendment to the end of the 7th section, as amended by himself this morning, to add these words: “But no person shall receive pay as a member of the General Assembly and of the Convention at the same time.”

The amendment was agreed to.



MR. SMITH, of Marion, moved to amend the eleventh section by adding at the end of it the words: "*Provided*, That nothing herein contained shall annul the power of the Legislature to call an election to fill the vacancy of Governor, Lieutenant-Governor, and Attorney, and provided for by an ordinance entitled, 'An Ordinance for the re-organization of the State Government.' "

MR. LAMB said if he could see the least necessity in the world for it, he would vote for the amendment cheerfully, but he could not see such necessity.

MR. SMITH said he saw a necessity for it; because these ordinances would come in conflict. The question might arise in the next Legislature, whether we have that power or not, and by having that proviso here, it sets aside the question forever.

The amendment was rejected.

MR. POLSLEY proposed the following amendment: "Strike out the first sentence of the 7th section, and insert:

That each of said counties shall be entitled to one delegate; and each county having a white population of 7,000 inhabitants, two delegates; each county having a like population of 13,000 shall have three delegates; and Ohio county shall have four delegates.

MR. POLSLEY spoke in favor of his amendment and was replied to by Mr. Lamb.

MR. HOOTON called for the previous question.

The question was put and the amendment rejected.

MR. LEWIS now demanded the previous question on the main question.

The main question was ordered, it being upon the adoption of the ordinance reported by the Select Committee, and having been taken by yeas and nays, resulted as follows:

YEAS—Messrs. Berkshire, Brown, Burdett, Brumfield, Cather, Crawford, Carlile, Crane of Randolph, Crane of Preston, Caldwell, Copley, Davidson, Douglas, Downey, Davis, Evans, Ferrell, Farnsworth, Foley, Fast, Fleming, Hale, Hagans, Hooton, Howard, Jackson, Kramer, Lamb, Lewis, Love, Martin of Wetzel, Myers, Price, Paxton, Parsons, Ruffner, Slack, Smith of Marion, Smith of Pleasants, Smith of Upshur, Swan, Scott, Taft, Vance, Withers, Williamson of Pleasants, Wilson and Zinn—48.

NAYS—Messrs. Atkinson, Boreman of Tyler, Barns, Bowyer, Burley, Broski, Crothers, Close, Carskadon, Gist, Graham, Harrison, Hubbard, Hall of Marion, Hawxhurst, Johnson, Koontz, Mason, Montague, Polsley, Ritchie, Stuart, Tarr, Trout, Wetzel, Watson, and Mr. President (Boreman of Wood)—27.

Several members were paired off.

Remainder of members absent.

So the Ordinance as reported by the Committee and amended by the Convention, was adopted.

MR. HARRISON in casting his vote obtained leave to read an address to the Convention, setting forth his reason for the vote he cast.

MR. SMITH, of Marion, in casting his vote said:

“The bill as presented to the House is, in my opinion, evidently defective. But I have ever been disposed to give the people an opportunity to vote on the subject. I think the people abroad require at our hands that some steps should be taken towards a division of the State, and I have struggled throughout this Convention with a view of getting it before the people in the most unexceptionable shape I possibly could. I regard this as the most objectionable shape in which any proposition has been presented to the House, yet so anxious am I that the people shall have a vote on the subject that I shall vote yea. I do so not because I subscribe to the *modus operandi*, but because I subscribe to the sentiment it has embodied in it, viz: that the people shall exercise their inalienable right of suffrage at the polls.”

MR. CALDWELL also made an explanation of his vote, but the reporter not attending at the time did not catch it.

MR. LAMB offered the following resolution:

*Resolved*, That when this Convention adjourn tomorrow, it shall stand adjourned until called together by the President of this Convention or the Governor; and if not so convened on or before the first Thursday of January next it shall then stand adjourned *sine die*.

MR. SMITH, of Marion, moved to amend by striking out after “tomorrow” and insert “it adjourn *sine die*.” He thought there could be no necessity for recalling this Convention.

MR. LAMB said it was possible there might arise an emergency that would justify the assembling of this Convention, and it would at any rate do no harm to leave that power in the hands of the Governor and President of the Convention.

MR. HUBBARD suggested the 26th of November next instead of the first Thursday of January, lest, according to the provisions of the ordinance, there might be two conventions in session at the same time.

MR. LAMB reminded him that the Convention to be called together under the operation of the ordinance would have no power to meet any such emergency as was contemplated. It would be a Convention called for a special purpose, the formation of a Constitution.



MR. SMITH could not see that there ever would be any need of summoning this Convention together again, but at the suggestion of friends he would withdraw the motion.

MR. STUART moved to strike out that part authorizing the President to call them together. He preferred to leave it to the Governor alone.

MR. LAMB replied that the Governor might die, or the secessionists might carry him off. They had better have two strings to their bow.

MR. VAN WINKLE said that in the event of the death of the Governor there would be nobody to call the convention together, and should any emergency arise at such a time this government must go all to pieces.

The amendment was rejected and the resolution adopted.

MR. NICHOLLS presented the following:

*Resolved*, That the doorkeepers of this Convention be allowed three dollars per day for their services, instead of the sum now fixed.

The resolution was adopted.

MR. VAN WINKLE said he had some resolutions to offer, and while he had no doubt they contained the sentiments of every member of the Convention yet he thought possibly it might be best, or at least well, to put something on the record. They refer, he said, to the necessity, the obligation, which rests upon every member here when he goes back among his constituents, to enforce upon them the importance of aiding and of maintaining, in every way possible, the civil power of this government, and also of aiding and co-operating in the raising of State volunteers in our home defence. The armies of the enemy having left our country, we may think there is no more necessity for this. Even if their return were not probable, we ought to be prepared to put down any domestic violence that might arise ourselves, inasmuch as the Government may, thinking there is no longer any necessity of keeping its troops amongst us, withdraw them for some other field of action.

Every one must be sensible that, unless the civil arm is strengthened in every way it can be, and unless all domestic broils and violence can be kept down until peace returns, our business and other interests must remain in their present prostrate condition.

The following are the resolutions as they were unanimously adopted:

*Resolved.* That this Convention most earnestly urge upon their loyal fellow-citizens the importance of extending to the re-organized government a cordial recognition, and that support in its efforts to establish the civil authority and to cause the laws to be administered and executed, and maintain peace and good order throughout its jurisdiction.

*Resolved.* That this Convention further urge upon their loyal fellow-citizens the importance of encouraging by their countenance, active co-operation in the enrollment and drilling of, at least, one company of State volunteers in every county for the purpose of suppressing rebellion and insurrection, and aiding the civil authorities in the enforcement of the laws.

MR. VAN WINKLE, from the Committee on Business, reported an ordinance to provide for the election of representatives in the Congress of the United States; also an ordinance to increase the compensation of the Adjutant-General, during the continuance of hostilities in the Commonwealth.

He moved to take up the following ordinance, which was accordingly put upon its passage and adopted:

AN ORDINANCE ASCERTAINING AND DECLARING IN WHAT CASES  
OFFICES ARE VACATED UNDER THE DECLARATION  
OF JUNE 17, 1861.

The people of Virginia, by their Delegates assembled in Convention, at Wheeling, do ordain as follows:

1. Every incumbent of an office held under authority of the commonwealth, or of any county, city or town thereof, who, on and before the 17th day of June last was in rebellion against the government of the United States, or who by any overt act, or by writing or speaking, supported and upheld, or attempted to support or uphold, the usurped government at Richmond, or the pretended government of the Confederate States, and who has not before the passage of this Ordinance, taken and subscribed the oath of office prescribed by the Ordinance of this Convention, entitled "An Ordinance for the Re-organization of the State Government," shall be deemed and taken to have vacated his office; and it shall be the duty of the Governor, upon satisfactory evidence thereof, to proceed to fill such vacancy; or cause the same to be filled, in the mode prescribed by the fifth section of the above cited Ordinance.

2. This Ordinance shall be in force from its passage.

He then moved to proceed to the consideration of the following, which was also taken up and passed:

AN ORDINANCE, PROVIDING FOR THE APPOINTMENT OF COL-  
LECTORS OF THE PUBLIC REVENUE IN  
CERTAIN CASES.

The people of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. If in any County there shall be no Sheriff or Collector of the Public Revenues authorized to act under existing laws and the Ordinances of this Convention, and the County Court of such County cannot be convened, or being convened, shall fail or refuse to appoint and qualify a Collector of the State and County Levies, and other public dues, within the said County, it shall be the duty of the Auditor of Public Accounts, with the approbation of the Governor, to appoint a Collector of the Public Revenues for said County, requiring him to take such oaths and with proper and sufficient sureties, to be approved by the Governor and Auditor, to execute such bonds as are required from Collectors appointed



by the County Courts under the said laws and ordinances. The said bonds shall be filed with the Auditor of Public Accounts, who shall transmit certified copies thereof to the Clerk of the County Court of such County, which copies shall be received as evidence in all the Courts of the Commonwealth.

2. This Ordinance shall be in force from its passage, and may be altered or repealed by the General Assembly.

He then called up the following just laid upon the table and it was taken up and also passed:

AN ORDINANCE TO PROVIDE FOR THE ELECTION OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. In every Congressional District of the State where from any cause an election for Representative in the Congress of the United States was not held on the fourth Thursday of May last, and in the Eleventh District, where a vacancy now exists, an election shall be held on the fourth Thursday of October next, which shall be conducted, and the result ascertained, declared and certified in the manner directed in the 2d section of the 2d edition of the Code of Virginia.

2. If in consequence of the occupation of any county by any army or forces in hostility with, or rebellion against the government of the United States, such election cannot be, or is not, held in such county, any person entitled to vote therein may vote in any other county of his district; and if no election shall be held at the time appointed in the 1st section of this ordinance in any Congressional District therein mentioned, the Governor on receiving satisfactory evidence thereof, may by proclamation or writ appoint another day for holding such election therein.

3. This ordinance shall be in force from its passage.

On motion of Mr. CARLILE, the following ordinance was taken up from the table and adopted:

AN ORDINANCE INCREASING THE COMPENSATION OF THE ADJUTANT-GENERAL DURING THE CONTINUANCE OF HOSTILITIES IN THE COMMONWEALTH.

The People of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. During the continuance of hostilities within the Commonwealth, the Adjutant-General, in addition to the salary now allowed by law, shall be entitled to receive the sum of \$700.00 per annum.

2. This ordinance shall be in force from its passage, and may be altered or repealed by the General Assembly.

On motion, a committee, consisting of Messrs. Van Winkle, Borman and Lamb, were selected to revise the ordinances of the Convention.

Mr. CALDWELL presented an ordinance relating to grand and petit jurors and attorneys-at-law, requiring them to answer certain questions before entering upon the duties of their offices, which, after some consideration, was indefinitely postponed.

Mr. KRAMER offered the following, which was agreed to:

*Resolved*, That 10,000 copies of the ordinance providing for the forma-

tion of a new State, be published for circulation within the counties of the proposed new State and counties lying contiguous thereto.

MR. BURDETT moved that when this Convention adjourn, it adjourn to meet tomorrow at 4 P. M.

The motion was agreed to, and on motion the Convention adjourned.

### ADJOURNED SESSION—LAST DAY, WEDNESDAY, AUGUST 21, 1861.

The Convention met at four o'clock P. M.

Minutes read and approved.

MR. BOREMAN, of Tyler, offered the following which was adopted:

*Resolved*, That a committee of three be appointed to wait upon the Governor, and inquire whether he has any communication to make to the Convention before its adjournment.

Messrs. Boreman, Smith of Marion, and Withers, were appointed said committee.

MR. NEWMAN, of Wirt, who had been absent, obtained general consent to vote upon the ordinance creating a new State. He voted nay.

MR. VAN WINKLE, from the Committee of Revision, made their report, which was adopted.

MR. WEST moved to take up the resolution offered some days ago by himself, providing for the next meeting of the next Legislature in Richmond.

MR. CROTHERS suggested that it would not be exactly proper for citizens of Kanawha to meet in Richmond.

A vote was taken and the Convention refused to take up the resolution.

MR. BARNES offered the following resolution of thanks, which was unanimously adopted:

*Resolved*, That the thanks of this Convention are due and are hereby tendered to the President of this body for the able and impartial manner in which he has discharged the duties of his position.

MR. EVANS offered the following, which was also adopted:

*Resolved*, That this Convention take pleasure in acknowledging the satisfactory manner in which the Clerk and other officers of the Convention have discharged their respective duties.

MR. WEST offered the following which was also adopted:

*Resolved* That the thanks of this Convention are due and are hereby tendered to the reverend Clergy who have opened our daily sessions with prayer.

After some time had elapsed in waiting for the return of the Committee,



MR. CARLILE said he believed they had got about through their labors.

A member said the Committee had not returned.

MR. CARLILE—"Well, Sir, we cannot wait here all night on the Committee. I have always found that when we have nothing to do, we are sure to do something we ought not to do. "Idleness is the parent of Vice," is a copy I used to write when a boy at school. I therefore move that this Convention do now adjourn."

MR. WEST—"It would certainly be a very unusual proceeding after having appointed a committee to wait upon the Governor, to adjourn before that committee returned."

THE PRESIDENT reminded the gentlemen that a motion to adjourn could not be discussed.

MR. CARLILE—"I submitted it for that purpose, Sir. I knew we would have to be discussing something while waiting here, and I thought this about as innocent a motion as we could discuss." (Laughter.)

The Committee at this juncture returned.

MR. GATHER offered the following resolution, which was adopted: *Resolved*, That the thanks of this body are due to the Reporters of the Proceedings of this Convention.

The Committee reported that the Governor would shortly communicate to the Convention in person.

The Governor appeared in a few minutes and addressed the Convention in executive session.

After the Governor had finished his communication,

MR. WEST moved that the Convention now adjourn.

The motion was put, and the Convention adjourned without day.

THE PRESIDENT (Arthur I. Boreman, of Wood) said:

"*Gentlemen of the Convention*: I desire in parting with you, to say a few words to you, and but a few. I return you my thanks for the complimentary terms in which you have chosen to speak in the resolution you have adopted. We have been assembled in Convention, at the last session and this, about one month; and during that time we have had delicate and responsible duties to perform. It gives me pleasure to say that you have performed those duties fairly, honestly and fearlessly.

At the earlier session, as is well known, you reorganized the government of Virginia, a step which, in my estimation, is fraught with great and grave interests—a step which I trust and believe

you will never regret. I feel proud in saying that so far as my information has extended, that step meets with the cordial approbation of the loyal and patriotic citizens throughout the Commonwealth. They hail it as the best, and, probably, the only hope they have of deliverance from usurpation and despotism. It is for the present, in my estimation, our only salvation. I have assurances from the members of this Convention—I believe from all of them—that they will not desert this government; that they will not abate one jot from their hitherto laudable efforts to assist this government in putting in execution its laws under its authority.

You have passed many ordinances for the purpose of carrying out the objects of your assembling, amongst them one has lately been adopted by you probably more important than any other. You have taken the initiative in the creation and organization of a new State. This is a step of vital importance. I hope, and I pray God it may be successful; that it may not engender strife in our midst, nor bring upon us difficulties from abroad, but that its most ardent advocates may realize their fondest hopes of its complete success. So far as I am personally concerned, I am content with the action of this Convention; I bow with submission to what you have done upon this subject.

Gentlemen, your labors have not been light; they have been arduous. You have not shrunk from the discharge of your duty, however. I feel that your constituents ought to be proud of their representatives, as I am sure that you are proud of a noble, generous and confiding constituency.

Now, gentlemen, permit me to congratulate you upon the harmony, the kind feeling which has characterized all your deliberations during both the sessions of this Convention. If at any time, through a laudable zeal, the members have been led into any manifestation of feeling or excitement, it passed with the moment, and only served to increase their ardor, their zeal and their cordiality in co-operating in the measures adopted by you.

I now hope that each and every one of you may be permitted to go to your homes and that you may find your homes, your firesides, your families, soon restored to their wonted peace and tranquillity and happiness.

I now, gentlemen, bid you adieu, and in accordance with the resolution which was passed on yesterday, I pronounce this Convention adjourned."



## APPENDIX<sup>1</sup>

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SPEECHES OF JOHN S. CARLILE AND CHAPMAN J. STUART ON A DIVISION OF THE STATE, DELIVERED IN THE SECOND CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA, AT WHEELING, VIRGINIA, AUGUST 8, 1861—THIRD DAY OF THE ADJOURNED SESSION.

Mr. Carlile said:

“Mr. President:—This Convention will at least accord to me sincerity of purpose and honesty of motive in advocating the adoption of these resolutions at this time. The Legislature, to whom I am greatly indebted, have conferred upon me a position worthy the ambition of any man. I am secure in that position at least for four years to come if things continue here as they are. None but the body of which I am a member can deprive me of my place, except action such as I propose. If the Convention shall adopt the resolutions, and a separate State shall be formed, the instant it is formed I cease to be a member of the Senate, and the representatives of the new State will select my successor—Therefore there can be no ambitions personal or pecuniary influences operating on my mind when I seek to obtain the object contemplated by the resolutions; but, Sir, it has been the cherished object of my life; and I would be worse than ungrateful if I could at an hour like this, forget a people who have been engaged ever since my residence among them in showering upon me all the honors within their gift.

There are considerations weighing upon my mind, Mr. President, which induce me to believe that the time has arrived now when we shall act. If we were at peace; if our people were not engaged in a struggle to obtain the government of our fathers, the natural barriers that separate the people inhabiting the region of country embraced in the resolutions make it, in my opinion, to their interest that they should no longer continue a connection which has been

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1. NOTE—In a footnote at the bottom of page 190, *ante*, it is stated that these speeches of Carlile and Stuart are printed here as Appendix B. It should read in Appendix, the letter B being omitted.—V. A. L.

nothing but prejudicial to them ever since it began. The channels of trade, business and commercial relations of the counties named in the resolutions I have offered have been everywhere else than with the rest and residue of the State in which we live. All the feelings that operate upon men—the kindest feelings of my nature—the love I have for home, the scenes of my childhood, the place of my nativity, have all struggled with my sense of duty in this matter. Sir, if we act as I propose, I shall be separated by line, an imaginary line it is true, but yet a State line, from the county of my nativity and the home of my birth. But the counties I have designated have no facilities, either of land or water, for any commercial or business intercourse with the rest of the State. We must seek an outlet for our products elsewhere. We must look for our markets in Maryland, Ohio, Pennsylvania and Kentucky. We never can—nature has fixed it and made it impossible—we never can have business relations with the rest of the State. The Southwestern part has its railroads, turnpikes, and canals penetrating through its valleys and mountains and leading to the capital of the State. The centre of the valley, the county of Frederick, my native county, has its public improvements reaching to Alexandria and Richmond, affording to them an outlet. Hence they are not interested as we are, as are the counties mentioned, in commercial relations with other States, and they are not compelled by force of circumstances which cannot be overcome, as we are, to seek a market for their produce and a channel for their industrial interests in other and neighboring States. Therefore, as a mere material question in time of peace, it is the interest of the people inhabiting these counties to separate themselves from the rest of the State, and organize a separate State Government of their own.

But then, Sir, there are other considerations now. We have entered upon a war such as heaven and earth never saw before, and such as I trust in God never will be witnessed again. What is to be its end nobody knows; no man can tell. And what, when peace shall at last come, with a tired and oppressed people, ground down by taxation and oppression, legitimate and natural consequences of war—what consideration would they bestow, the 28,000,000 of people, when coming upon terms and ratifying and concluding a peace, upon the 308,000 people who inhabit the counties set forth in the resolution? How long would they let that people stand in



the way of a settlement at the termination of this war? It is a question I throw out as a suggestion to be revolved by gentlemen in their minds when they rest upon their pillows. God grant that a separation of these States never may take place! I hope it never may; and as it depends on my action, it never shall. — But, Sir, I am but a grain of sand on the sea shore; and you are but a grain of sand, and we are all but grains of sand on the shore of our country's destiny. It is a duty we owe to the people who have confided all their interests to guard and protect them against every possible contingency; and while I admit with you that it is improbable that this war shall ever be terminated in any other way than by maintaining the integrity of the Union, and the supremacy of its laws, yet you must admit with me that there is a possibility of its terminating in some other mode. I, therefore, feel it incumbent upon me as one of the representatives of a people who have ably sustained me upon any and all occasions to guard them against a possibility of injury. Looking at that possibility—and it is a possibility—where, in case of a settlement, if we remain inactive, would we go? Where would we be? Then if we act and that possibility does not take place, we are where you and I and our people wish us to be—disconnected from the rest of the State, the connection being an unnatural one, in contravention to the laws of nature. Ever since you and I have known anything of the workings of the connection it has been prejudicial and to our injury, under any circumstances, in any point of view, in which I have asked you to look at this question. My opinions, formed years ago, in a time of profound peace, have been strengthened by every day's experience. It will be remembered by the members of this Convention that in our last meeting in June, while I was then behind some of my friends in this movement, and while I was pointed at as having abandoned what I had uttered before, in the former Convention, as the matured convictions of my mind, I pledged gentlemen that if they would wait until their purpose really could be accomplished, that then we had no recognition, no Legislature known to the Federal authorities as such, that then we had no Legislature that could give us the assent provided for and required by the Constitution to be given to a separation—but that the moment we had a Legislature, recognized as such, speaking in the name of the State, whose assent should go to the Congress

of the United States and be respected as the assent of a constitutional Legislature, then I promised you, gentlemen, I would go with you at the earliest possible moment for this division. I am here to redeem that pledge today.

It is argued, Mr. President, by some, that action of this kind will not be taken in favor by the Federal Government; that it may embarrass it in its present operations. Will any gentleman tell me how? If it is regarded with disfavor by the Congress of the United States, the war-making power, the power that must supply the means to carry on this war, the power that must be used to assert the supremacy of the laws and maintain the integrity of the Union, they will refuse our admission into the Union, deny their consent; and there is an end of it, and we are no worse off for having made the effort.

It is said by some that we ought to aid the government in extending a loyal government over the rest and residue of the State. Does this interfere with us at all? Does this interfere with this Provisional Government we have inaugurated here, the government of the State of Virginia, as fast as the arms of the Union sweep secession before them, and when the Congress of the United States admits us as a new State? Surely not; surely not? On the contrary it will have a most happy effect on the Federal Government, by showing to them the importance of extending their military operations in other parts of the Commonwealth, whenever they are in a condition to do it. But is there a gentleman here that for one moment supposes that if the armies of the United States, have not swept secession out of the State and relieved the loyal citizens of the state by December next, will they ever do it? How long, gentlemen, do you propose to remain as you are? How long is the Government to be employed in relieving from the evils of secession, and the destruction that rebellion upon the country, the people of this one State? If it takes a longer period than the meeting of next Congress in December to sweep rebellion out of our State, how long will it take to sweep it out of all the rebellious States? Sir, when is this war to end? We happen to know that the only hope of East Tennessee as to relieving her people, is in their organizing a separate and independent State government for the loyal portion of that Commonwealth. And we do happen to know that the government does regard with favor the effort that is to be made there as soon as the advancing columns of the



Federal Army shall march into that region of country and enable its loyal citizens to perform the deed.

But, Sir, it is said that our boundaries are not sufficiently large. I avoided, intentionally avoided, in drawing up those resolutions, including within the limits of this new State a single county which I do not believe, by a large majority of its people, would desire to be a part and parcel of it, except two. There are two counties named above which I have the slightest doubt as to the sentiments of their people, and they are so situated that it is absolutely essential that they shall belong to us; and a necessity for their belonging to us justifies their being included within our limits. Their interests, like ours, are identified with those of other States and the State of Virginia. The great thoroughfare between this and the Atlantic passes through them, and we never can, we never ought, it would be unjust to them and to us, to allow that territory to be included within the limits of any other State.

Then it is said we have friends from Fairfax and Alexandria who would like to go with us. One of the resolutions secures you the way. If Alexandria and Loudon desire, let their people speak, and an ordinance of this Convention will provide for their admission. But, Sir, there is a bill now introduced into the Senate of the United States, and for which I intended to vote unless otherwise instructed by the gentlemen who have honored me with a place there, declaring the law ceding Alexandria county to the State of Virginia unconstitutional and a nullity, and providing for its return to the District of Columbia. This is but in compliance with my own views, expressed on the floor of the Senate of Virginia some years ago, when the question of admission of a delegate in the House was determined favorably under the retrocession of Alexandria county. I introduced resolutions into the Senate then which would have excluded him, and denying the constitutionality of the act; but it was the first winter of my legislative experience, and I was prevailed upon to let the go-by be given to them. I have no doubt, and have always believed that this District was selected by the Father of his Country with a view to placing the capital beyond the reach of any ordinary military assault; and the possession of Alexandria county is necessary today to put Washington in a state of proper military defense. I think the instant the territory was ceded by Maryland and Virginia, all the powers they had they conferred upon Congress, under the Con-

stitution to exercise exclusive legislative jurisdiction to legislate for the people within the prescribed limit.

Thus it seems to me, that the initiation of proceedings now by this Convention, none of them being of binding effect,—none of them affecting at all our political status,—none of them affecting in the slightest degree, our relation either to the State or Union, until they have been assented to by the Legislature, which does not meet until December, and until our admission into the Union by Congress, which does not convene until December—none of them affecting at all our relations either to the rest of the State or of our own State, as a people,—I cannot for the life of me, see how the voice of the people, which comes up to us in tones not to be misunderstood, dare be disregarded by members of this body; and why any effort should be made to procrastinate and delay action in the face of the circumstances that surround us, where by possibility *procrastination may be death*. No man is authorized to say what the Government of the United States will do, or will not do. We have nothing to do with any part of that Government save the legislative department of it, when to Congress, and to Congress alone, it committ<sup>ed</sup> by the Constitution the right to determine whether we shall be admitted or not. I care not what other departments of the Government, or what officials of the Government, may think of this question.

But, then, we have been compelled to ask that the forces of the Government be sent on here to protect us, and they might take them away. Sir, how can they desert us, how dare they desert us, when the instant they desert us they desert the Union? Virginia is to be the battle field. This is to be the battle ground. Here is where the question of supremacy of the laws is to be decided. Sweep out Unionism from this portion of Virginia, and secession has nothing to do but to march from the southwest corner of the State into East Tennessee, inaugurate rebellion in Kentucky, and the Southern Confederacy is a fixed fact. Then the Administration dare not desert us in this hour; and we are powerless in our present condition to aid the Administration. Where would we have been had it not been for the United States military force that was sent into our midst? So impressed was I and the rest of the members of the Central Committee, that there must be no delay, and the opinion that longer delay would find us in the power of the secessionists, that they started me on the 23d of May,



to urge these facts upon the attention of the Administration. On the next day after I arrived at Washington, the telegraph bore the order to General McClellan to move. They cannot desert us, whatever their opinions may be. They cannot leave us at this hour, so bondsmen of the field sold to those who have engaged in this effort to destroy our republican institutions. There is no just or well-founded apprehension of this that any member of this body can reasonably entertain.

But there is another objection. It is said that the Legislature at its late session refused its assent to a separation. According to the Constitution, Sir, I think they had no right, or at least there was no necessity for their giving their assent at this time. The assent of Congress to the admission of a State into the Union is never given until after the application has been made. I say never, as a general rule.—When a Territory seeks admission into the Union as a new State, it seeks it after it has assembled its Convention, framed a Constitution and elected officers under it. Then it presents its application, accompanied by its Constitution to the Congress of the United States, and then Congress acts on the application. No previous assent is necessary. Call to mind the action of the Senate of the United States upon the proposition urged with so much ability and zeal by the late lamented Senator from Illinois (Mr. Douglas) in relation to the Kansas question. He desired to introduce a rule that should operate on all future Territories asking admission into the Union, that the consent should not be had after the organization of the Territory into a State by the adoption of a Constitution and the election of officers, but that Congress should, prior to any action taken by their people, pass what he was pleased to call an “enabling act.” But, Sir, the project fell still-born from the author. It has never been the practice of this Government before then or since, to act on the application of a State for admission, until the people of the proposed new State acted themselves, and transmitted to Congress with their application their Constitution. Why? Because one of the requirements of the Constitution is that the State to be admitted into the Union must have a republican form of government. And how could Congress give its consent to the admission of a State without having before it the Constitution of the State to enable the members to judge of the form of government pro-

posed for the new State—to see whether it is such a Constitution and form of government as the Constitution requires and demands it to be?

Thus the consent of Congress must come afterwards. There is, Sir, the same propriety that the assent of the Legislature should come after the act of the people.—The Legislature giving its assent to the organization of a government to be thereafter formed! The Legislature giving its assent to the separation of a people, from the State in which they have heretofore lived, before an official sense of that people has come up to them desiring a separation! There was an obvious propriety, in my humble opinion in the Legislature refusing at its last session this assent.—While I, if I had been a member of the body, might have voted for it, for the purpose of hurrying this thing on, and while it might have been repealed at its very next session, after the vote of the people had been taken upon the Constitution, and might have been held for naught, yet I say, entertaining the convictions that I do that three-fourths of the people within this boundary desire a new State. I might have been the foremost of those who desired the Legislature to give its assent. But it would not have been worth that (a snap of the finger:) liable to be repealed, taken back, at the very next meeting of the Legislature, and probably upon the formation of a form of government and of a return of the sense of the people, circumstances could have shown an obvious propriety in withholding the assent.

What is the language of the Constitution on this subject? Will my friend from Marion find in this Constitution the language I desire to quote?

MR. SMITH—With pleasure.

MR. CARLILE—Then, Sir, there is another consideration. In times like these, when all the energies of the people are taxed for the great purpose of aiding the Government in its effort to crush rebellion we should harass our people as little as possible, with expenses to be incurred any way. Now, Sir, by the ordinances of this Convention, passed during its session in June, organized this government, every officer is limited in his term to six months, or until his successor shall be elected and qualified. There will, therefore, have to be within or near the period of time when we propose to call the people from their homes and ascertain their sense on this question, an election of some sort or other.



But here is the clause of the Constitution in reference to the formation of new States;

"New States may be admitted by Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, or any such State formed by the junction of two States or parts of States without the consent of the Legislatures of the States, as well as of the Congress."

Is there anything in that provision to limit the action of the Convention in taking the initiatory steps to organize a separate State government, as to time or the manner in which it is to be done? Surely not. Ascertain the sense of the people in your proposed boundaries, lay before them the form of government you expect to extend over them, and with this before them, let them say whether they desire it or not; and if they do, their servants in the Legislature can give their consent.

Sir, you will remember that this Legislature, if recognized at all, is recognized as the Legislature, possessing all the powers that the Legislature of any State can exercise. That thing is fully, clearly decided by the Supreme Court in a case reported in Curtis' report, familiarly known as the case of Luther vs. Borden. The decision says that the admission of representatives in Congress upon the floor of the Senate binds every other department of the Government, settles the question as to what is and who is the government of the State. This is the language of it. The question is settled. If you are the Legislature, if you do represent the State, and are recognized as such by the admission of Senators in Congress, then your legislative capacity can never be questioned again by any department of the Federal Government.

Now, Mr. President, there is a just expectation in the country on the part of the people we represent here, that this action will be no longer delayed. They are looking for it, waiting for it, expecting and demanding it. And I cannot for the life of me—it may be owing to my obtuseness of intellect that I cannot understand the mystery and pierce the clouds that are around and about me—but I cannot see any reason why you should refuse to those you represent:—your masters, my masters, the legitimate sovereigns, the people,—the right, in a form prescribed by you, to declare their wishes and will upon this subject. Why, Sir, should it be withheld? What is driving from our borders many of our people within its limit? And what is preventing thousands upon thousands of others from

coming amongst us? What is wanted to develop the immense deposits of mineral wealth that fill our hills and with which our valleys teem? A separate and independent existence—a position that nature has designed us to occupy. I said here last Spring that in five years, aye, Sir, I will say now that three years will not roll around until our population will be quadrupled, and there will be more people in the limits of the proposed boundary of the new State than there is in the whole State of Virginia today. Our neighbors in Ohio and Pennsylvania and our friends in many other States of the Union are all looking and anxious for it. I have lately received hundreds of letters making inquiry in regard to a separation. Everywhere loyal hearts are beating to come and share with us the destiny we ought to provide for ourselves and which nature has designed for us, if we have but the manliness and are equal to lift ourselves to the circumstances that surround us.

For centuries under the incubus of a false political philosophy, we have remained here, digging, almost in a primitive state, from the bowels of the earth the necessary means of support, while nature has filled us to overflowing with all the elements of wealth, seeking nothing in the world but the hand of industry to develop them and bring them into active use. Borne down by an eastern governmental majority, cut off from all connection or sympathy with a people with whom we have no commercial ties, we have endured the disastrous results that ever must flow from an unnatural connection. Cut the knot now! Cut it now! Apply the knife! You are compelled to wait at best for a realization of your hopes some four or five months, and by that time the advancing columns of the nation's army will have moved rebellion far beyond your borders, or they will have been stayed forever in their march." (Loud applause.)

SPEECH OF JUDGE CHAPMAN J. STUART.

"Mr. President:—I do not propose to discuss the merits of this question. I am sorry it is pressed upon the consideration of this body at this time. A bill on this subject will be reported at an early day by the Special Committee on a Division of the State and the question will then come up in due form. And, Sir, I do not want to see the hand of the Committee tied at this time by resolutions like these. I desire this Committee to be free to discuss the



measures proposed in these resolutions without having any embarrassment to contend with, or without having its hands tied by any proposition of this character.

It strikes me, Sir, that the best way to dispose of these resolutions would be to lay them on the table. Let this Committee report. I presume it will report advisedly when it does, having a member from each county represented on this floor. They are preparing a report; let us have it.

I would like very much, if I had not determined in the outset that I would not go into the merits of this question, to pay my respects to my friend from Harrison. I have been following him, Sir, for a long time. He has assumed many positions. I wish to indicate to the Convention that I will make a motion to lay on the table before I leave the floor. I am not prepared at this time to discuss the merits of this question. I did not anticipate it would be forced upon this body at this time. I supposed no one member would seek to tie the hands of this Committee by instruction, when the indication has been thrown out that a bill for dividing the State is about to be reported.

But I have been following the gentleman for a long time. I have been a member with him in several Conventions and have supported him often, but I must be permitted to say here that if the gentleman in former Conventions had intimated the same things he has in this, he would have found one minus, at least, at a certain time. I have heard him often before, but never did I hear him hold out a single doubt as to the ability of this Government to sustain itself and put down this rebellion.—This is the first intimation of this kind. And now at a time when we should all be united, for our old stand-by and champion to come forward and intimate a doubt on this question—

MR. CARLILE—"Mr. President, if the gentleman from Doddridge had attended to what I said with the same interest I listened to what he said, he would not have represented me as he has done. I said to-day what I have always said heretofore, that I believe this Government would maintain the integrity of the Union; that I believe it would put down this rebellion; but I said, what he and all must know, if I had never said it, that there are things that take place sometimes that have not been anticipated in minds as feeble as mine; and I said there was a possibility—that the thing is possible—that the Government may not do what we believe they will, I give it as

my belief, and it is worth no more than the belief of any one else, that they will put down rebellion; but it is possible I may be mistaken. That was all I said; in other words, I granted it was possible that I might be mistaken."

MR. STUART.—"I fully understood the gentleman, Mr. President, and it is the first time that I ever heard him assert the possibility of anything of the kind. He has been the most uncompromising for putting down this rebellion, and never yet had a possible doubt on the question.—Read his speeches, and you will never see a doubt expressed in the mind of the gentleman. Certain members of the Convention now present, know that the position occupied by the gentleman now, is one formerly presented before a certain body by myself—that there was always doubt—that there might be a possibility, you know; but that doubt was expressed by me before any reverse in our arms had taken place, or was even anticipated. But at this stage of things, no man will ever find me expressing a doubt. It is not a time to do so. It is a time to lift ourselves above all personal feelings and motives, and look only at the great issue involved before our country. We should not be looking solely at Western Virginia's interests. Our object should be to support the General Government in putting down this rebellion, and never for one moment hold out a doubt that the Government is to succeed.—I suppose the doubt in the mind of the gentleman, is the reason why he is pressing this matter prematurely, wanting to tie even the hands of the Committee to prevent it from reporting a bill. A doubt! Sir, let us have no doubts, there are no doubts about it.

Why, Sir, the gentleman's resolutions propose to tie the hands of the Committee, and instruct not only this Committee, but the Committee on Business, to report a Constitution and form of government for this new State, saying at the same time, that the State Legislature that was convened by act of this body, repudiated action on this subject at this time. He says this question should rise from the people. Well who are the people? Was not the State Legislature the people? Is not this Convention the people, or is it our constituents, the gentleman appeals and refers to? If it is our constituents, gentlemen, I want you to point me to a solitary act that ever authorized us to come here for the purpose of dividing the State and forming a Constitution. If they have done so, then, Sir, I will be



with the people. If not, then I am for referring this question to the people and let them speak; and if they speak for a division, then Sir, I am willing for it. But I was not sent here for the purpose of dividing the State of Virginia, or making a constitution. The thing never was mooted before my people, but just the reverse. I came here to aid the General Government in putting down the rebellion and if it was not for that, I do not know what I came here for at all.

I do not propose to go into the merits of the question raised by the gentleman from Harrison. I merely wish to indicate to you, why I think hasty or premature action at this time would embarrass the General Government in putting down this rebellion, and place us in a worse attitude even than we are in at present. I simply rose for the purpose of moving to lay these resolutions upon the table. Let the Committee that have this matter under consideration make their report, and do not tie their hands. I move to lay the resolutions upon the table."





## ADDENDA

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### EVENTS OCCURRING IN THE HISTORY OF WEST VIRGINIA.

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FROM THE ADJOURNMENT OF THE SECOND CONVENTION OF THE PEOPLE OF NORTHWESTERN VIRGINIA, AUGUST 21, 1861, TO THE ADMISSION OF THE STATE INTO THE UNION, JUNE 20, 1863.

**1861** In the "Ordinance to provide for the Formation of a  
**August 20** new State out of a Portion of this State," adopted by the Second Convention of the People of Northwestern Virginia, at its adjourned session; it was provided that an election should be held on the fourth Thursday, (the 24th) of the ensuing October, to vote upon the question of the proposed new State. Poll-books were to be prepared under the direction of the Governor with two separate columns, one to be headed "For the New State," the other, "Against the New State." The commissioners were to be the same as those who conducted the election in the preceding May, and in addition to taking the vote on the question of the proposed new State they were to cause polls to be opened for the election of Delegates to a Convention to frame a Constitution for the government of the new State, in case a majority of the votes cast should be in favor of its formation. The commissioners were to certify the result of the election to the Secretary of State; and the Governor was to make proclamation thereof, fixing therein Wheeling as the place, and November 26, 1861, as the date of the commencing of the Constitutional Convention.<sup>1</sup>

**Oct. 24** In compliance with the requirement of Section Four of the "Ordinance to provide for the formation of the new State out of a portion of the territory of this State,"

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1. See Ordinances of the Convention, pp. 17, 18, 19.

adopted August 20, 1861, the election was held in all the counties named in the First Section of said Ordinance. The total number of votes cast was 18,889, of which 18,408 were in favor of the new State and 481 against it.<sup>1</sup>

**Nov. 6** The returns of the election held October 24th, having been properly certified to Governor Pierpont, he issued his Proclamation calling the members elected, October 24th, to the Constitutional Convention to assemble on the 26th of November ensuing, in the United States Court Room, in the Custom House in Wheeling, for the purpose of organizing themselves into a Convention to form a Constitution to be submitted to the voters for ratification or rejection, within the bounds of the proposed new State.<sup>2</sup>

**Nov. 15** Governor Pierpont issued a Thanksgiving Proclamation recommending the observance of Thursday, November 28th, as a day of thanksgiving to Almighty God for the blessings of the year. In this he said:

"In the midst of war and its afflictions, we are more forcibly reminded of our dependence upon Divine Providence; and while in all we suffer we should own His chastening hand, we should be ready to acknowledge that it is of His mercy that we are not destroyed, and that so many of the blessings of life are preserved to us."

This was the first Thanksgiving Proclamation issued under the Restored Government of Virginia.<sup>3</sup>

**Nov. 26** The Convention to frame a Constitution for the new State of KANAWHA assembled in the United States Court Room, and was called to order by Chapman J. Stuart, a Delegate from Doddridge county. Forty delegates had been chosen in forty counties, and thirty-four of them were present. Before the Convention finally completed its work the names of sixty-one members appeared on its rolls. Hon. John Hall, of Mason county, was elected President; Ellery R. Hall, of Taylor county, Secretary; and James C. Orr, of Ohio county, Sergeant-at-Arms. The organization was completed the first day and the Convention proceeded to the work before it.<sup>4</sup>

1. See Hagans' "Erection and Formation of the State of West Virginia," p. 70.

2. See *Daily Intelligencer* of Wheeling, November 6, 1861.

3. See *Daily Intelligencer*, November 16, 1861.

4. See the Journal of the Convention, pp. 3, 4, 5.



LIST OF MEMBERS OF THE FIRST WEST VIRGINIA CONSTITUTIONAL CONVENTION WHICH ASSEMBLED AT WHEELING, VIRGINIA, NOVEMBER 26, 1861, AND ADJOURNED FEBRUARY 18, 1862; TOGETHER WITH THEIR AGE, PLACE OF NATIVITY, OCCUPATION, COUNTY REPRESENTED, AND POST OFFICE ADDRESS:

(REASSEMBLED FEBRUARY 12, 1863: AND ADJOURNED *sine die*, FEBRUARY 20, 1863.)

No.	Name.	Age. Nativity.	Occupation.	County.	Postoffice.
1	Gordon Battelle.....	47 Ohio.....	Minister.....	Ohio.....	Wheeling.....
2	John L. Boggs.....	..... Virginia.....	..... Pendleton.....	..... Franklin.....	.....
3	James H. Brown.....	42 Virginia.....	Lawyer.....	Kanawha.....	Charleston.....
4	John J. Brown.....	35 Virginia.....	Lawyer.....	Preston.....	Kingwood.....
5	Richard L. Brooks.....	52 Virginia.....	Minister.....	Upshur.....	Rock Cave.....
6	Wm. W. Brumfield.....	33 Virginia.....	Farmer.....	Wayne.....	Ceredo.....
7	Elbert H. Caldwell.....	52 Virginia.....	Lawyer.....	Marshall.....	Moundsville.....
8	Thos. R. Carskadon.....	24 Virginia.....	Farmer.....	Hampshire.....	New Creek Sta.....
9	James S. Cassidy.....	40 Virginia.....	Farmer.....	Fayette.....	Fayetteville.....
10	Henry D. Chapman.....	63 Mass.....	Physician.....	Roane.....	Spencer.....
11	Richard M. Cook.....	40 Virginia.....	Farmer.....	Mercer.....	Princeton.....
12	Henry Dering.....	50 Virginia.....	Merchant.....	Monongalia.....	Morgantown.....
13	John A. Dille.....	40 Penn.....	Lawyer.....	Preston.....	Kingwood.....
14	Abijah Dolly.....	44 Virginia.....	Farmer.....	Hardy.....	Greenland.....
15	Daniel W. Gibson.....	..... Physician.....	..... Pocahontas.....	..... Greenbank.....	.....
16	Samuel T. Griffith.....	..... Physician.....	..... Mason.....	..... W. Columbia.....	.....
17	Robert Hagar.....	51 Virginia.....	Minister.....	Boone.....	Boone C. H.....
18	Ephraim B. Hall.....	39 Virginia.....	Lawyer.....	Marion.....	Fairmont.....
19	John Hall.....	56 Ireland.....	Farmer.....	Mason.....	Point Pleasant.....
20	Stephen M. Hansley.....	42 Virginia.....	Farmer.....	Raleigh.....	Marshall.....
21	Thomas W. Harrison.....	37 Virginia.....	Lawyer.....	Harrison.....	Clarksburg.....
22	Hiram Haymond.....	55 Virginia.....	Farmer.....	Marion.....	Palatine.....
23	James Hervey.....	41 Ohio.....	Lawyer.....	Brooke.....	Wellsburg.....
24	J. P. Hoback.....	25 Virginia.....	Teacher.....	McDowell.....	Peeryville.....
25	Joseph Hubbs.....	54 Penn.....	Farmer.....	Pleasants.....	St. Marys.....
26	Robert Irvine.....	47 Virginia.....	Lawyer.....	Lewis.....	Weston.....
27	Daniel Lamb.....	51 Penn.....	Lawyer.....	Ohio.....	Wheeling.....
28	R. W. Lauck.....	49 Virginia.....	Lawyer.....	Wetzel.....	Martinsville.....
29	E. S. Mahon.....	45 Maryland.....	Farmer.....	Jackson.....	Ravenswood.....
30	Andrew Mann.....	28 Virginia.....	Farmer.....	Greenbrier.....	Falling Springs.....
31	John R. McCutchen.....	..... Virginia.....	Farmer.....	Nicholas.....	Summersville.....
32	Dudley S. Montague.....	61 Virginia.....	Hotel keeper.....	Putnam.....	Red House Sh'ls.....
33	Emmett J. O'Brien.....	42 Virginia.....	Mechanic.....	Barbour.....	Burnersville.....
34	Granville Parker.....	51 Mass.....	Lawyer.....	Cabell.....	Guyandotte.....
35	James W. Parsons.....	49 Virginia.....	Farmer.....	Tucker.....	St. George.....
36	James W. Paxton.....	40 Virginia.....	Merchant.....	Ohio.....	Wheeling.....
37	David S. Pinnell.....	.....	.....	Upshur.....	.....
38	Joseph S. Pomeroy.....	40 Penn.....	Minister.....	Hancock.....	Fairview.....
39	John M. Powell.....	36 Virginia.....	Minister.....	Harrison.....	West Milford.....
40	Job Robinson.....	..... Virginia.....	Farmer.....	Calhoun.....	.....
41	A. F. Ross.....	.....	Teacher.....	Ohio.....	West Liberty.....
42	Lewis Ruffner.....	64 Virginia.....	Salt Manf'r.....	Kanawha.....	Kan. Salines.....
43	Edward W. Ryan.....	..... Virginia.....	Minister.....	Fayette.....	Fayetteville.....
44	Geo. W. Sheetz.....	38 Virginia.....	Carpenter.....	Hampshire.....	Piedmont.....
45	Josiah Simmons.....	47 Virginia.....	Farmer.....	Randolph.....	Leedsville.....
46	Harmon Sinsel.....	44 Virginia.....	Carpenter.....	Taylor.....	Pruntytown.....
47	Benjamin H. Smith.....	62 Virginia.....	Lawyer.....	Logan.....	Charleston.....
48	Abram D. Soper.....	66 New York.....	Lawyer.....	Tyler.....	Sistersville.....
49	Benj. L. Stephenson.....	35 Virginia.....	Farmer.....	Clay.....	Clay C. H.....
50	Wm. E. Stevenson.....	40 Penn.....	Farmer.....	Wood.....	Parkersburg.....
51	Benjamin F. Stewart.....	52 New York.....	Merchant.....	Wirt.....	Newark.....
52	Chapman J. Stuart.....	41 Virginia.....	Lawyer.....	Doddridge.....	West Union.....
53	Gustavus F. Taylor.....	26 Virginia.....	Lawyer.....	Braxton.....	Braxton C. H.....
54	Moses Titchenel.....	54 Virginia.....	Minister.....	Marion.....	Fairmont.....
55	Thomas H. Trainer.....	42 Virginia.....	Minister.....	Marshall.....	Cameron.....
56	Peter G. Van Winkle.....	53 New York.....	Lawyer.....	Wood.....	Parkersburg.....
57	William Walker.....	34 Virginia.....	Lawyer.....	Wyoming.....	Oceana.....
58	William W. Warder.....	40 Virginia.....	Farmer.....	Gilmer.....	Troy.....
59	Joseph S. Wheat.....	..... Virginia.....	.....	Morgan.....	Berkeley Spr'g's.....
60	Waitman T. Willey.....	50 Virginia.....	Lawyer.....	Monongalia.....	Morgantown.....
61	Andrew J. Wilson.....	60 Virginia.....	Farmer.....	Ritchie.....	Pennsboro.....

JOHN HALL, Point Pleasant, Mason County.....President  
 ELLERY R. HALL, Pruntytown, Taylor County.....Secretary  
 JAMES C. ORR, Wheeling, Ohio County.....Sergeant-at-Arms

**Dec. 2** The first General Assembly under the Restored Government of Virginia commenced its first regular session, in the Linsly Institute in Wheeling. The organization made at the extra session in the preceding July was continued. Daniel Polsley, Lieutenant-Governor, and *ex officio* President of the Senate, presided over that body; William Lewis was clerk; Jesse S. Wheat, Sergeant-at-Arms; D. V. Thorp, Doorkeeper; and Alexander Campbell, Page. In the House of Delegates, Daniel Frost, of Jackson county, was Speaker; Gibson Lamb Cranmer, Clerk; Evans D. Fogle, Sergeant-at-Arms; James O. Hawley, First Doorkeeper; and James Musgrave, Second Doorkeeper. The session closed February 13, 1862,<sup>5</sup>

1862

**Feb. 18** The Constitutional Convention adjourned having framed a Constitution for the proposed new State of West Virginia, the name having been changed from that of "Kanawha," by the Convention on the 3d of the preceding December. A SCHEDULE attached to this Constitution, designated John Hall, of Mason county; James W. Paxton, of Ohio county; Peter G. Van Winkle, of Wood county; Elbert H. Caldwell, of Marshall county; and Ephraim B. Hall, of Marion county, Commissioners, whose duty it was to cause the Constitution and Schedule to be published in such newspapers printed within the proposed State as they deemed proper.

Poll-books were to be prepared by them for use at the precincts in the forty-four counties proposed to be included therein. These were to have two separate columns; one to be headed "For the Constitution," and the other, "Against the Constitution."—The same persons to superintend this election as conducted that of the preceding October. Election was to be held on the first Thursday (the 3d.) in April, ensuing. All qualified voters under the proposed Constitution were entitled to vote upon the question of its adoption or rejection; and the Commissioners were required to provide for taking the vote at the time of said election, of such voters as were in the Army of the United States either in or beyond the boundaries of the proposed State. Poll-books were to be returned to the clerks of the several counties, and the Commissioners were required to ascertain the result and certify the same to the Governor. If the election insured the adoption of the Constitution by the voters of the forty-four counties first mentioned in the second section of the first article of the Schedule, they, the Commissioners,

5. See Journals of the Senate and House of Delegates, pp. 34, 35, 36.



were to request the said Governor to convene the General Assembly in extra session and request it to give, by act, its consent, according to the Constitution of the United States, to the formation and erection of the State of West Virginia and forward to the Congress of the United States, such consent together with an official copy of the Constitution, with the request that the State of West Virginia may at once be admitted into the Union. Section Eleven of the Schedule, provided that the Commissioners "have power if deemed necessary, to reconvene the members of the Constitutional Convention on such day as they may prescribe"—See Schedule attached to Constitution, pp. 28, 29, 30. Appendix to Journal of the Convention.

**April 3** This was the date fixed for the vote on the question of the adoption of the Constitution for the new State of West Virginia. The full vote cast by counties is not available but the following exhibits the unanimity of sentiment existing at the time:

NAMES OF COUNTIES.	For Adoption.	For Rejection	NAMES OF COUNTIES.	For Adoption	For Rejection
Barbour .....	459	7	Nicholas .....	184	...
Boone .....	71	1	Ohio .....	954	23
Brooke .....	292	45	Pleasants .....	322	2
Clay .....	88	...	Preston .....	1,466	11
Doddridge .....	510	15	Raleigh .....	177	...
Gilmer .....	168	16	Ritchie .....	601	6
Hancock .....	225	73	Roane .....	232	...
Jackson .....	459	2	Tucker .....	513	15
Kanawha .....	909	4	Tyler .....	696	10
Lewis .....	443	12	Upshur .....	489	9
Marshall .....	1,053	34	Wetzel .....	491	14
Mason .....	639	23	Wirt .....	314	3
Monongalia .....	1,148	17	Wood .....	1,296	26

Other counties together with these brought the total vote up to 19,376, of which 18,862, were for adoption and 514 for rejection. At this time there were from twelve to fifteen thousand men from the new State in the Federal Army and from three to five thousand in the Confederate Army.<sup>6</sup>

**April 18** The Commissioners named in the Schedule having certified the result of the election to Governor Pierpont, he this day in compliance with the requirement of said Schedule, issued a Proclamation convening the General Assembly at the city of Wheeling at eleven o'clock A. M., on the 6th of May ensuing, that he might lay before it a certified original of the Constitution, and ask for

6. See Hagans' "Erection and Formation of West Virginia," p. 73. Also the *Daily Intelligencer* of Wheeling for the month of April, 1862.

its consent, according to the Constitution of the United States, to the formation and erection, as proposed, of the State of West Virginia.<sup>7</sup>

**April 30** As is well known, the Second Convention of the People of Northwestern Virginia, at its first session, June 20, 1861, elected Francis H. Pierpont, chief executive of Virginia as the head of the Restored Government, as the successor of Governor John Letcher of Virginia. The fourth Tuesday in May 1862, was the date of the General State election under the laws of the Commonwealth which were being observed and executed by the Restored Government. Now a successor to Governor Pierpont was to be elected. As early as the 7th of April, this year, a convention in Marion County endorsed Governor Pierpont for re-election. On the same day a convention in Mason county endorsed the re-election of Governor Pierpont; of Daniel Polsley, the Lieutenant-Governor; and of James S. Wheat, the Attorney-General. Similar action was taken in other counties and on April 30th a Delegate Convention representing a number of these, assembled at Clarksburg and unanimously renominated Pierpont, Polsley and Wheat for the respective offices held by them.<sup>8</sup>

**May 6** The General Assembly convened in its second extra session, at Wheeling, in pursuance of Governor Pierpont's Proclamation of the 18th of April. Daniel Polsley, Lieutenant-Governor, presided in the Senate and Daniel Frost in the House of Delegates. The message of the Governor was received. It was a remarkable State Paper. In it he said:

"I have convened you in extra session, the principal object of which is, to take final action in the proposed division of the State of Virginia as far as the Legislature is concerned." He reviewed the history of the Convention which framed the Constitution, and added: "The Constitution of the United States provides that no new State shall be formed or erected within the jurisdiction of any other State, without the consent of the Legislature of the State concerned, as well as of the Congress. Therefore to complete the work which has been commenced, of the division of the State, it requires the consent of the Legislature of Virginia and the assent of Congress. Of course your honorable body will take such action in the premises as shall seem meet to you.

7. See *Wheeling Daily Intelligencer*, April 19, 1862.

8. See *Daily Intelligencer* for April 9, 15, 24, 26, and May 3, 5.



Perhaps, I have performed my duty in submitting the matter to you without saying more. But I am not willing to leave the question here. It is urged by some that the movement is revolutionary. Those who urge this objection, do not understand the history, and geography and social relations of our State. Geographically, the East is separated from the West by mountains which form an almost impassable barrier, as far as trade is concerned. The barrier is so great that no artificial means of intercourse has ever been made beyond a mud turnpike road. All the trade and commerce of the West is with other States, and not with Eastern Virginia. The two sections are entirely dissimilar in their social relation and institutions. While the East is largely interested in slaves, the West has none and all the labor is performed by free men. The mode and subjects of taxation in the State have been a source of irritation and indeed of strife and vexation, between the two sections for many years past, as well as that of representation in the Legislature. The subject of the division of the State has been agitated at one time and another ever since I can remember."<sup>9</sup>

**May 13** The General Assembly passed "An Act giving the assent of the Legislature of Virginia to the Formation and Erection of a new State within the jurisdiction of this State." Section 1, reads as follows:

*"Be it enacted by the General Assembly.* That the consent of the Legislature of Virginia be, and the same is hereby given to the formation and erection of the State of West Virginia, within the jurisdiction of this State, to include the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire, and Morgan, according to the boundaries and under the provisions set forth in the Constitution for the said State of West Virginia and the Schedule thereto annexed, proposed by the Convention which assembled at Wheeling, on the twenty-sixth day of November, eighteen hundred and sixty-one."

It was further provided that the counties of Berkeley, Jefferson and Frederick, might form a part of the State of West Virginia whenever the voters thereof should ratify the Constitution. Also, that copies of this Act, with a certified original of the Constitution and Schedule should be transmitted to the Senators and Representatives in Congress from the Restored Government of Virginia, with the request that they use their endeavors to obtain the consent of Congress to the admission of the State of West Virginia into the union.<sup>10</sup>

9. See the *Daily Intelligencer* May 7, 1862. Also Journal of the House of Delegates, Extra Session, 1862.

10. See Acts of the General Assembly under the Restored Government, p. 3.

**May 14** Governor Pierpont, acting in pursuance of an ordinance adopted June 19, 1861, and of an Act of the General Assembly passed July 26, 1861, issued a Proclamation, requiring all officials, before entering upon their duties, to take the oath or affirmation prescribed in said Ordinance and Act; this being as follows:

"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the Constitution and laws of the State of Virginia, or in the ordinances of the convention which assembled at Richmond on the 13th of February 1861, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the 11th day of June, 1861."<sup>11</sup>

**May 22** All eyes were now turned towards Washington City, where were centered the fondest hopes of the friends of the new State. It was the Second Session of the Thirty-seventh Congress, and the Virginia members, under the Restored Government, were Waitman T. Willey and John S. Carlile in the Senate; and Kellian V. Whaley, William G. Brown and Jacob B. Blair, members of the House of Representatives. The Commissioners named in the Schedule of the Constitution, viz: John Hall, James W. Paxton, Peter G. Van Winkle, Elbert H. Caldwell and Ephraim B. Hall proceeded to Washington. They were accompanied by other prominent new State men; among whom were Harrison Hagens of Preston county, Granville Parker of Cabell county and Daniel Polsley of Mason county. On their arrival at the National Capital, all were introduced by Hon. Ralph Leete, of Lawrence county, Ohio, to the Senators and Representatives of that State.<sup>12</sup>

**May 28** Waitman T. Willey gave notice to the Senate that, with the permission of that body he would, on the next day, present documents relating to the admission of the new State of West Virginia into the Union.<sup>13</sup>

**May 29** Hon. Waitman T. Willey, in the Senate, presented a certified original of the Constitution, together with a copy of the Act of the General Assembly of Virginia, under the Restored Government, giving its permission

11. See *Daily Intelligencer*, May 15, 1862.

12. See statement in Lewis' "History of West Virginia," based on correspondence with Hon. John Hall, p. 382.

13. See Congressional Globe, Part III, 2d Sess. 37th Cong., p. 2394.



to the formation of a new State within the Commonwealth of Virginia, and the Memorial of that body requesting the Congress to admit the said State of West Virginia into the Union.<sup>14</sup>

**June 3** William G. Brown presented in the House of Representatives duplicates of the same documents that Mr. Willey had presented in the Senate on May 29th. His object was to hasten action by having the subject considered in both branches of Congress at the same time.<sup>15</sup>

**June 23** At the time that Senator Willey submitted the Constitution of the new State with the Act of the General Assembly of Virginia, giving its permission for the formation of West Virginia, these documents were referred to the Committee on Territories, of which Benjamin F. Wade, of Ohio, was Chairman. He, on this date, reported "Senate Bill No. 365, providing for the admission of West Virginia into the Union and for other purposes." This was as follows:

CHAP. VI.—AN ACT FOR THE ADMISSION OF THE  
STATE OF "WEST VIRGINIA" INTO THE  
UNION, AND FOR OTHER PURPOSES.

WHEREAS, the people inhabiting that portion of Virginia, known as West Virginia did, by Convention in the city of Wheeling on the 26th of November, 1861, frame for themselves a Constitution with a view of becoming a separate and independent State; and

WHEREAS, at a general election held in the counties composing the territory aforesaid on the third day of May last, the said Constitution was approved and adopted by the qualified voters of the proposed State; and

WHEREAS, the Legislature of Virginia by an act passed on the thirteenth day of May, eighteen hundred and sixty-two, did give its consent to the formation of a new State within the jurisdiction of the State of Virginia, to be known by the name of West Virginia, and to embrace the following named counties, to-wit: Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire, and Morgan; and

WHEREAS, both the Convention and the Legislature aforesaid have requested that the new State should be admitted into the Union, and the Constitution aforesaid being republican in form, Congress does hereby consent that the said forty-eight counties may be formed into a separate and independent State. Therefore—

14. See Cong. Globe, Part III, 2nd Sess. 37th Cong., p. 2415.

15. See Cong. Globe, Part III, 2nd Sess. 37th Cong., p. 2523.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of West Virginia be, and is hereby, declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever, and until the next general census, shall be entitled to three members in the House of Representatives of the United States; *Provided, always*, That this act shall not take effect until after the proclamation of the President of the United States hereinafter provided for.

It being represented to Congress that since the Convention of the twenty-sixth of November, eighteen hundred and sixty-one, that framed and proposed the Constitution for the said State of West Virginia, the people thereof have expressed a wish to change the seventh section of the eleventh article of said Constitution by striking out the same and inserting the following in its place, viz: "The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free; and that all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein:" Therefore—

SEC. 2. *Be it further enacted*, That whenever the people of West Virginia shall, through their said Convention, and by a vote to be taken at an election to be held within the limits of the said State, at such time as the Convention may provide, make and ratify the change aforesaid, and properly certify the same under the hand of the president of the Convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact, and thereupon this act shall take effect and be in force from and after sixty days from the date of said proclamation.<sup>16</sup>

This Bill was read the first time and ordered to a second reading.<sup>17</sup>

**June 26** Senator Wade moved to take up "Senate Bill No. 365," and this was done. It was read a second time and considered as in Committee of the Whole. There was extended discussion, but the Bill was passed to its third reading.<sup>18</sup>

**July 14** Again Senator Wade moved to take up "Senate Bill No. 365," The motion prevailed and the report of the discussion which ensued, covers twelve quarto pages in the "Globe". That day Lafayette S. Foster of Connecticut, occupied the chair *pro tem* in the absence of Vice-President Hamlin. At length a vote was reached; Lazarus W. Powell of Kentucky, demanded the yeas and

16. See Statutes at Large of the United States of America, passed at the third session of the Thirty-seventh Congress; 1862-63. Chap. VI, pp. 633, 634.

17. See Cong. Globe, Part III, 2d Sess. 37th Cong. pp. 2941, 2942.

18. See Cong. Globe, Part III, 2d Sess. 37th Cong. pp. 2941, 2942.



nays, and they were ordered. John W. Forney called the roll:

Those voting *yea* were—

Henry B. Anthony and James F. Simmons of Rhode Island; Daniel Clark and John P. Hale of New Hampshire; Jacob Collamer and Solomon Foot of Vermont; William Pitt Fessenden and Lot M. Morrill of Maine; Lafayette S. Foster of Connecticut; Henry Wilson of Massachusetts; Ira Davis of New York; John C. Ten Eyck of New Jersey; John Sherman and Benjamin F. Wade of Ohio; James W. Grimes and James Harlan of Iowa; Timothy O. Howe of Wisconsin; Henry S. Lane of Indiana; James H. Lane and Samuel C. Pomeroy of Kansas; Henry M. Rice and Morton S. Wilkinson of Minnesota; Waitman T. Willey of Virginia.

A total of 23 votes.

Those voting *noy* were—

James A. Bayard and William Saulsbury, of Delaware; Orville H. Browning and Lyman Trumbull of Illinois; John S. Carlile of Virginia; Zachariah Chandler and Jacob M. Howard of Michigan; Anthony Kennedy of Maryland; Preston King of New York; Edgar Cowan of Pennsylvania; Garrett Davis and Lazarus W. Powell of Kentucky; James A. McDougall of California; Benjamin Stark of Oregon; Charles Sumner of Massachusetts; Robert Wilson of Missouri; Joseph A. Wright of Indiana.

A total of 17 votes.

Those not voting were—

James Dixon of Connecticut; John R. Thompson of New Jersey; David Wilmot of Pennsylvania; James A. Pearce of Maryland; James W. Nesmith of Oregon; Milton S. Latham of California; John B. Henderson of Missouri; James R. Doolittle of Wisconsin.

A total of 8 votes.<sup>19</sup>

Thus it is seen that the Senators from Rhode Island, Vermont, Maine, Ohio, Kansas, Iowa, and Minnesota voted for the Bill; while those from Kentucky, Illinois, and Michigan voted against; and those from New York, Massachusetts, Indiana and Virginia were divided. The most earnest friends of the Bill in the Senate were Willey, Wade, Collamer, Hale, Fessenden, Ten Eyck, Pomeroy, Lane of Kansas, and Wilkinson. The most active in their opposition were Carlile, Bayard, Trumbull, Wilson and Sumner.

**July 15** On this date, William Hickey, chief clerk of the Senate, appeared at the bar of the House of Representatives, and informed that body that the Senate had passed Senate Bill No. 365, entitled "An Act for the Admission of West Virginia into the Union and for other Purposes;" and he requested the concurrence of the House therein.<sup>20</sup>

19. See Cong. Globe, Part III, 2d Sess., 37th Cong., pp. 3307-3320.

20. See Cong. Globe, Part III, 2d Sess. 37th Cong. p. 2362.

**July 16** Senate Bill No. 365 came up for consideration and was read a first and second time. John A. Bingham, of Ohio, moved to put the Bill on its passage; Joseph E. Segar, of Virginia, objected to its third reading and moved to lay it on the table. This the House refused to do, by a vote of seventy nays to forty-four yeas. Then, on motion of Roscoe Conkling, of New York, the further consideration of the Bill was postponed until the second Tuesday in the following December.<sup>21</sup>

**Dec. 10** The Thirty-seventh Congress reassembled in its Third Session December 1st. At noon on Tuesday, the 9th, ensuing, John A. Bingham obtained the floor and demanded the regular order of business. "The regular order of business," said the Speaker, "is the consideration of Senate Bill No. 365, pending for the Admission of West Virginia into the Union." Bingham asked that it be put upon passage. Then ensued a discussion, the report of which covers eighteen quarto pages of the "Globe." Debate closed on the 10th; the Bill was read a third time; Charles A. Wickliffe, of Kentucky, demanded the yeas and nays; the demand was sustained.

Those who voted *yea* were—

Cyrus Aldrich and William Windom of Minnesota; Isaac N. Arnold, William Kellogg, Owen Lovejoy and Elihu B. Washburn of Illinois; Elijah Babbitt, Samuel S. Blair, James H. Campbell, John Covode, William M. Davis, James T. Hale, John Hickman, William D. Kelley, John W. Killinger, William E. Lehman, Robert McKnight, Edward McPherson, James K. Moorehead, John Patton, Thaddeus Stevens and John P. Verree of Pennsylvania; William P. Sheffield of Rhode Island; Stephen Baker, Jacob P. Chamberlain, Ambrose W. Clark, Frederick A. Conkling, R. Holland Duell, Alfred Ely, Reuben E. Fenton, Richard Franchot, Augustus Frank, Edward Haight, William E. Lansing, Abram B. Olin, Theodore M. Pomeroy, Charles B. Sedwick, Socrates N. Sherman, Eldridge G. Spaulding, Burt Van Horn, Robert B. Van Valkenburg, Charles H. Van Wyck and William Wall of New York; Portus Baxter and Justin S. Morrill of Vermont; Fernando C. Beaman, Francis W. Kellogg and Rowland E. Trowbridge of Michigan; John A. Bingham, Harrison G. Blake, William P. Cutler, Sidney Edgerton, John A. Gurley, Richard A. Harrison, Valentine B. Horton, John Hutchins, Albert G. Riddle, Samuel Shellabarger, Carey A. Trimble and Samuel T. Worcester of Ohio; Jacob Beeson Blair, Kellian V. Whaley and William Guy Brown of Virginia; Alford A. Burnham and Dwight Loomis of Connecticut; Andrew J. Clements and Horace Maynard of Tennessee; Schuyler Colfax, William McKee Dunn, George W. Ju

21. See Cong. Globe, Part III, 2d Sess., 37th Cong., p. 3397.



lian, William Mitchell, Albert G. Porter, John P. C. Shanks and Albert S. White of Indiana; Thomas M. Edwards and Edward H. Rollins of New Hampshire; Thomas D. Elliott, Samuel Hooper and Amasa Walker of Massachusetts; Samuel L. Casey of Kentucky; Samuel C. Fessenden, Thomas A. D. Fessenden, John N. Goodwin, Anson P. Morrill, Frederick A. Pike and John H. Rice of Maine; Frederick F. Low, Timothy G. Phelps and Aaron A. Sargent of California; John T. Nixon and John L. N. Stratten of New Jersey; John W. Noell of Missouri; John F. Potter and A. Scott Sloan of Wisconsin; James F. Wilson of Iowa—in all ninety-six votes.

Those who voted *nay* were—

William Allen, James M. Ashbey, Samuel S. Cox, James R. Morris, Warren P. Noble, George H. Pendleton, Clement L. Vallandigham and Chilton A. White of Ohio; John B. Alley, Charles Delano, Daniel W. Gooch, Alexander H. Rice, Benjamin F. Thomas and Charles R. Train of Massachusetts; Sydenham E. Ancona, Joseph Bailey, Charles J. Biddle, Philip Johnson, John D. Stiles and Hendrick B. Wright of Pennsylvania; George T. Cobb and William G. Steele of New Jersey; Roscoe Conkling, Isaac C. Delaplaine, Alexander S. Diven, James E. Kerrigan, Moses F. Odell, Edward H. Smith, John B. Steele and Elijah Ward of New York; Martin F. Conway of Kansas; James A. Cravens, William S. Hollman, John Law and Daniel W. Voorhees of Indiana; John W. Crisfield and Francis Thomas of Maryland; John J. Crittenden, George W. Dunlap, Henry H. Wadsworth, Aaron Harding, Robert Mallory, John W. Menzies, William H. Wadsworth, Charles A. Wickliffe and George H. Yeaman of Kentucky; James E. English of Connecticut; Bradley F. Granger of Michigan; William A. Hall, Elijah H. Norton, Thomas L. Price and James S. Rollins of Missouri; Anthony L. Knapp, William A. Richardson and James C. Robinson of Illinois; Joseph E. Segar of Virginia; George K. Shell of Oregon,—in all fifty-five votes.<sup>22</sup>

The analysis of this vote presents some interesting facts. The representatives from Maine, six in number, voted solidly to admit West Virginia into the Union; in Illinois there were four votes for it and three against it; Pennsylvania cast sixteen for and six against; New York, twenty for and eight against; Ohio, twelve for and eight against; Indiana, seven for and five against; Massachusetts, five for and six against; Missouri, one for and four against; while New Jersey divided equally—two yeas and two nays.

- Dec. 11.** Emerson Ethridge, of Tennessee, Clerk of the House of Representatives, appeared at the bar of the Senate, and informed that body that the House had passed Senate Bill No. 365, providing for the Admission of the State of West Virginia into the Union.<sup>23</sup>

22. See Cong. Globe, Part I, 3d Sess., 37th Cong., pp. 37-59.

23. See Cong. Globe, Part I, 3d Sess., 37th Cong., p. 60.

- Dec. 15** George T. Cobb, of New Jersey, from the Committee on Enrolled Bills, reported that it had found truly enrolled an act (Senate No. 365) for the Admission of West Virginia into the Union.<sup>24</sup>
- Dec. 16** Emerson Ethridge Clerk of the House, informed the Senate that the Speaker of the House had signed Senate Bill No. 365, providing for the Admission of West Virginia into the Union, and that he was directed to present it to the Senate for the signature of its President. Thereupon, the Vice-President signed the Bill, and it was delivered to the proper committee, to be presented to the President of the United States.<sup>25</sup>
- Dec. 31** President Lincoln signed the Bill (Senate No. 365) for the Admission of the State of West Virginia into the Union, and for other Purposes.

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- Jan. 5** John G. Nicolay informed the Senate of the fact that the President had approved and signed Senate Bill No. 365, for the Admission of the State of West Virginia into the Union, and for other purposes.<sup>26</sup>
- Jan. 14** The President had signed the Bill providing for the admission of West Virginia, but the State was not yet a member of the Federal Union. In the certified original of the Constitution presented to Congress for the proposed State, the Seventh Section of Article XI, read as follows:

"7. No slave shall be brought, or free person of color be permitted to come into this State for permanent residence."

This was the only reference to the "peculiar institution" contained in it. Congress was not satisfied with this, and required the said Seventh Section to be so changed as to provide for the gradual extinction of slavery as follows:

"The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free and that all slaves within the said State who shall, at the time aforesaid, be under the age of ten years, shall be free when they arrive at the age of twenty-one years; and all slaves over ten, and under twenty-one years, shall be free when they arrive at the age of

24. See Cong. Globe, Part I, 3d Sess., 37th Cong., p. 92.

25. See Cong. Globe, Part I, 3d Sess., 37th Cong., p. 84.

26. See Cong. Globe, Part I, 3d Sess., 37th Cong., p. 184.



twenty-one years; and no slave shall be permitted to come into the State for permanent residence therein."

Section two, of the act providing for the admission of the state into the Union read as follows:

"That, whenever the people of West Virginia shall, through their said Convention, and by a vote to be taken at an election to be held within the limits of said State, at such time as the Convention may provide, make and notify the change aforesaid, and properly certify the same under the hand of the President of the Convention, it shall be lawful for the President of the United States to issue his proclamation stating the fact and therefore this act shall be to effect and be in force from and after sixty days from the date of the said proclamation."

It will be remembered that in the Schedule attached to the Constitution, it was provided that the Commissioners named therein were given power to reconvene the Convention that framed it, if it became necessary to do this. The necessity had arisen, and these Commissioners, on this date, issued a proclamation requiring the members of the Convention to re-assemble in the Custom House in the city of Wheeling, on the 12th day of February, 1862, to take into consideration the act of Congress entitled "An Act for the admission of the State of West Virginia into the Union, and for other Purposes."<sup>27</sup>

**Jan. 30** The members of the General Assembly held a meeting in the Hall of the House of Delegates on Friday evening for the purpose of adopting a plan of organization for the approaching election on the amended Constitution of West Virginia. Daniel Polsley, the Lieutenant-Governor, presided, and Leroy Kramer, of Monongalia county, was Secretary. A State Central Committee was appointed. Its members were Chester D. Hubbard, Daniel Lamb, Elbert H. Caldwell, Campbell Tarr, Alfred B. Caldwell, James W. Paxton, George McC. Porter, Jacob Berger, James S. Wheat, and George B. Martin. Then three prominent men in each county were named to compose a County Central Committee.<sup>28</sup>

**Feb. 5** The proclamation of the Commissioners provided for special elections to be held on this date for members of the Constitutional Convention in the counties of Greenbrier, Monroe, Morgan, Pendleton and Pocahontas, not

<sup>27</sup>. See *Daily Intelligencer*, of Wheeling, January 15, 1863.

<sup>28</sup>. See the *Daily Intelligencer*, of Wheeling, February 4, 1863.

previously represented; and in Ohio county to fill the vacancy caused by the death of Gordon Battelle; one in Marion county caused by the removal of Hiram Haymond from the State; and another in Mason county, to fill a vacancy caused by the resignation of John Hall, the President of the Convention.<sup>29</sup>

**Feb. 12** The Constitutional Convention re-assembled for the purpose of making the change in the Constitution of the new State, required by Congress. A. F. Ross had been elected a member of the Convention from Ohio county, to fill a vacancy caused by the death of Gordon Battelle; David S. Pinnell of Upshur county, elected to fill vacancy resulting from the resignation of R. L. Brooks; Joseph S. Wheat, a member from Morgan county, hitherto unrepresented; John L. Boggs, of Pendleton county, not previously represented; J. Robinson, of Calhoun county, it having no representative heretofore; Andrew Mann appeared and took his seat as a representative from Greenbrier county; Rev. Moses Tichenel, of Marion county, to fill vacancy caused by the removal of Hiram Haymond from that county, who thereby vacated his seat; James H. Brown of Kanawha county, re-elected to fill vacancy resulting from his own resignation; Dr. Samuel T. Griffith, of Mason county, appeared as the successor of John Hall, President of the Convention, whose resignation was read and Abraham D. Soper, of Tyler county, elected to the Presidency.<sup>30</sup>

**Feb. 19** It was evident to all that the inauguration of the Government of West Virginia was near at hand, and on Thursday evening—this date—prominent men from all over the State held a meeting in Wheeling for the purpose of taking the initiative in having a general Convention of delegates from all the counties to nominate candidates for State officers at the election soon to be held under the new Constitution. Judge Abraham D. Soper, of Tyler county, presided. All present were united in the opinion that such a Convention should be

29. See *Daily Intelligencer*, of Wheeling, January 15, 1863.

30. See *Daily Intelligencer*, of Wheeling, February 13, 1863. The Journal of the adjourned Session of the Constitutional Convention has never been printed in book form but the manuscript thereof in the possession of the State Department of Archives and History.—V. A. L.



held, and it was resolved to recommend to the people of each of the forty-eight counties composing the new State of West Virginia, that as soon as practicable after the adoption of the amended Constitution, they appoint delegates to meet in Convention at Parkersburg, on the first Wednesday after the expiration of ten days from the date of the proclamation of the President declaring West Virginia a State in the Union.<sup>31</sup>

**Feb. 20** The Constitutional Convention which had re-assembled February 12th preceding, for the purpose of making the change in the Constitution as required by Congress, completed its work and adjourned *sine die*.<sup>32</sup>

**Mar. 26** The people voted upon the adoption of the amended Constitution. The total vote cast was 28,321, of which 27,749 were for ratification, and 572 for rejection.<sup>33</sup>

**April 17** On this date Abraham D. Soper, President, and Daniel Lamb, Peter G. Van Winkle, Elbert H. Caldwell, Ephraim B. Hall, and James W. Paxton, the Executive Committee of the Constitutional Convention certified the result of the election on March 26th, on the amended Constitution to Governor Pierpont, by whom it was immediately certified to the President of the United States.<sup>31</sup>

PROCLAMATION RELATING TO THE ADMISSION OF WEST VIRGINIA INTO THE UNION, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

**April 20** WHEREAS, by the act of Congress approved the 31st day of December last the State of West Virginia was declared to be one of the United States of America, and was admitted into the Union on an equal footing with the original States in all respects whatsoever, upon the condition that certain changes should be duly made in the proposed constitution for that State; and

WHEREAS, proof of a compliance with that condition, as required by the second section of the act aforesaid has been submitted to me:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do hereby, in pursuance of

31. See *Daily Intelligencer*, of Wheeling, February 20, 1863.

32. See *Daily Intelligencer*, of Wheeling, February 21, 1863.

33. See "Hagans' "Erection and Formation of the State of West Virginia," p. 78. Also *Wheeling Daily Intelligencer*, April 17, 1863.

the act of Congress aforesaid, declare and proclaim that the said act shall take effect and be in force from and after sixty days from the date hereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 20th day [SEAL] of April, A. D. 1863, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

## May 6 AN UNCONDITIONAL UNION CONVENTION.

The people acting upon the suggestion of the meeting at Wheeling on the evening of the 19th of February, 1863, appointed delegates from the various counties to assemble in Convention at Parkersburg; there to nominate the first State officials of West Virginia. Wednesday, May the 6th, this old town was thronged with people. The Convention assembled at 3:00 P. M. in the Court House. Judge Chapman J. Stuart of Doddridge county, called the body to order, and nominated James G. West of Wetzel county, for temporary President; and Thomas Cather of Taylor county nominated Ellery R. Hall of Taylor county, temporary Secretary. Rev. Mr. Campbell of the Presbyterian church offered prayer in an impressive manner. A Committee on Permanent Organization was appointed, consisting of Chapman J. Stuart, of Doddridge county; Benjamin H. Smith, of Kanawha; Abraham D. Soper, of Tyler; Leroy Kramer, of Monongalia; James R. Carskadon, of Hampshire; Daniel Lamb, of Ohio; Joseph B. Nay, of Marion; and John J. Brown, of Preston.

A Committee on Credentials was appointed as follows: Thomas Cather, of Taylor; George McC. Porter, of Hancock; William Swearingen, of Marion; Chapman J. Stuart, of Doddridge; Robert Irvine, of Lewis; Spicer Patrick, of Kanawha; Robert Hager, of Boone, and T. C. McCann, of Greenbrier.

Judge Stuart of the Committee on Permanent Organization reported the following:



For President—Dr. Spicer Patrick, of Kanawha county.

For Secretary—Ellery R. Hall, of Taylor county.

For Assistant Secretary—Jacob Edgar Boyers, of Tyler county.

The report of the Committee on Credentials showed that there were two hundred and thirty-five delegates present from forty counties. Nominations were declared to be in order. Names were presented for the various offices, with the result that Arthur I. Boreman, of Wood county, was nominated for Governor; Jacob E. Boyers, of Tyler county, for Secretary of State; Campbell Tarr, of Brooke county, for Treasurer of State; Samuel Crane, of Randolph county, for Auditor of State; Aquilla B. Caldwell, of Ohio county, for Attorney-General; and Ralph L. Berkshire, of Monongalia county; William A. Harrison, of Harrison county, and James H. Brown of Kanawha county, for Judges of the Court of Appeals.<sup>34</sup>

**May 12** Daniel Lamb, James W. Paxton, Peter G. Van Winkle, Elbert H. Caldwell and E. B. Hall, the Executive Committee of the Constitutional Convention issued a Proclamation declaring May 28th, the day upon which the election of the new State officials would take place.<sup>35</sup>

**May 28** The election of State and County officials generally throughout the new State. All State officials were elected without opposition, but in some of the counties the contests for local offices more particularly that of sheriff, were spirited and closely contested.<sup>36</sup>

**June 12** Returns from thirty-three counties, of the vote on the 26th of May, had been received by the Executive Committee of the Constitutional Convention. These showed that in the said counties, Arthur I. Boreman, for the office of Governor, had received 25,797 votes; Jacob Edgar Boyers for Secretary of State, 24,996 votes; Campbell Tarr, for Treasurer of State, 25,513 votes; Samuel Crane, for Auditor of State, 24,857 votes; Aquilla B. Caldwell, for Attorney-General, 25,141 votes; and for

34. See *Daily Intelligencer*, of Wheeling, May 9, 1863.

35. See *Daily Intelligencer*, of Wheeling, May 13, 1863.

36. See *Daily Intelligencer*, of Wheeling, May 29, 1863.

Judges of the Supreme Court of Appeals, Ralph L. Berkshire, received 24,537 votes, William A. Harrison 24,924 votes; and James H. Brown 24,225 votes. All were declared elected.<sup>37</sup>

**June 20** This was Saturday. That day, the period of sixty days, mentioned in the proclamation of the President, April 20, 1863, expired and West Virginia entered upon her career as a member of the Federal Union.

#### THE BEGINNING OF THE NEW STATE GOVERNMENT.

It was a remarkable one in the History of the Virginias. In Wheeling a vast multitude thronged the streets; thousands of flags fluttered in the breeze; the display of bunting was the most attractive ever seen in the "Western Metropolis." It threatened rain—June showers; now all the beauties of a clear sunlight were shown, then a cloud chased all away. There were June showers—little ones—not enough to drive the people from the streets. A procession marched through the principal streets and then halted in front of the Linsly Institute. It was filled with people; the streets were filled with men, women and children, and the yards, windows and roofs were full of eager faces. A large platform had been erected in front of the Institute, and thither the officers—officials of two State Governments—were conducted as they arrived. Hon. Chester D. Hubbard called the multitude to order. Thirty-five tastefully attired and beautiful little girls, representing the American States—all of them—sang the "Star Spangled Banner." Rev. J. T. McClure addressed the Throne of Grace. Then came two Governors—Francis H. Pierpont, the head of the "Restored Government; and Arthur I. Boreman, chief Executive of a State just then beginning to be. The first delivered a Valedictory, the second an Inaugural Address. The sovereignty of the Restored Government of Virginia was terminated on the soil of West Virginia. Governor Pierpont retired with the Restored Government to Alexandria on the Potomac, nine miles below Washington City. Three

37. See *Daily Intelligencer*, of Wheeling, June 13, 1863.



cheers were given for West Virginia; the little girls sang *E Pluribus Unum*; the band played the "Star Spangled Banner," and thus terminated the ceremonies of the inauguration of West Virginia as a free and independent State.<sup>33</sup> The Restored Government of Virginia which left Wheeling that day for Alexandria on the Potomac; and in May, 1865, removed to Richmond, on the James, is the present Government of the Commonwealth of Virginia; the Government organized at Wheeling that day, continues to be the Government of the State of West Virginia.

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33. See *Daily Intelligencer*, of Wheeling, June 22, 1863.





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